

Subject: Risk Allocation Policy for City Contracts	Number: 2-1
	Date Issued/Revised: December 1, 1998
Responsible Department: DAS—Risk Management	Approved:

Policy

The lead department is responsible to ensure the inclusion of the City's standard indemnification and insurance provisions in all contracts to which the City is a party. Any deviations from the standardized insurance and indemnification provisions shall be approved by the Risk Manager or Chief Administrative Officer. Disputes shall be arbitrated by the Chief Administrative Officer.

Procedures

1. The lead department shall include, within each of its draft contracts for standard projects, the standard indemnification and insurance requirements approved by the Risk Manager specifically for those standard projects.
2. Prior to submitting a draft contract for a nonstandard project or a draft contract without standard indemnification or insurance requirements to the City Attorney's Office for review, the lead department must submit the contract to the Risk Manager for his/her review and written approval, or determination of indemnification and insurance requirements. Should the lead department and Risk Management disagree as to insurance and/or indemnification requirements, the draft contract must be submitted with supportive comments from both the user and Risk Management to the Chief Administrative Officer.
3. The lead department shall include, within each of its draft contracts for standard projects, the standard indemnification and insurance requirements approved by the Risk/Safety Manager specifically for those standard projects.
4. Prior to submitting a draft contract for a non-standard project or a draft contract without standard indemnification or insurance requirements to the City Attorney's Office for review, the lead department must submit the contract to the Risk/Safety Manager for his/her review and written approval, or determination of indemnification and insurance requirements. Should the lead department and Risk Management disagree as to insurance and/or indemnification requirements, the draft contract must be submitted with supportive comments from both the user and Risk Management, to the Chief Administrative Officer.
5. Prior to placement of contract approval on the Council agenda, or before presenting it to the person authorized to approve and sign the contract on behalf of the City, the lead department must submit the contract, signed by the other party, along with all insurance certificates required by the contract, to Risk Management for written approval. Following approval by Risk Management, the contract shall be submitted to the City Attorney's Office for review and approval as to form. This process must be completed prior to the City's execution of the contract.

Subject: Transportation Allowance and Mileage Reimbursement Policy	Number: 2-2
	Date Issued/Revised: February 15, 2000
Responsible Department: DAS—Risk Management	Approved:

Purpose

To establish guidelines for the rental and reimbursement to City employees associated with the use of privately owned vehicles used in the course of official City business.

Policy

1. Basic Policy:

An employee whose full-time duties involve daily travel may be required to use his/her personal vehicle for City purposes and be authorized to receive reimbursement from the City. The City may reimburse the employee for mileage or transportation costs associated with official City business.

Privately owned vehicles used in the course and scope of city business must undergo annual inspection by the Department of Administrative Services.

Employees authorized to receive reimbursement from the City in connection with this program may be required to demonstrate that they are properly licensed by the State of California at any time.

2. Emergency Call-Back and Saturday, Sunday, or Holiday Work:

Employees called back to work for any reason, and employees working Saturdays, Sundays, or holidays, whether as a regular shift or overtime shift, will not receive mileage reimbursement for travel between home and work, and work and home.

3. Private Vehicle Rental or Mileage Reimbursement:

The four categories listed below apply to a considerable number of employees. Department directors must recommend the most appropriate method of providing for transportation allowances and reimbursement to compensate employees for the use of private vehicles in conducting City business. Once these reimbursement allowances are established and implemented, **department directors will annually review and approve all categories for all employees. Any and all employee category changes must be requested/justified in writing to the Department of Administrative Services, Risk Management Division.**

Category 1. The City Manager receives a transportation allowance under Category 1 of the Private Vehicle Rental Program. The transportation allowance established for this category is \$350 per month.

- Category 2. (A) Assistant City Managers and Department Directors shall receive a transportation allowance under Category 2.
- (B) Assistant Department Directors, Division Managers, and Section Supervisors responsible for twenty-four (24) service functions may receive a Category 2 transportation allowance if appropriate.
- (C) Primary staff representatives to governmental bodies or community organizations requiring numerous off-hour meetings may receive an allowance under Category 2.
- (D) Individuals responsible for work sites involving excessive mileage, frequent evening, weekend and early morning inspection travel may be authorized a transportation allowance under Category 2.
- (E) With the exception of the Assistant City Managers and Department Directors, an annual review of Category 2 claimants is required. This review will verify job responsibilities, mandatory insurance coverage and valid driver's license. This review is the responsibility of the Department of Administrative Services, Risk Management Division, and the applicable department director.
- (F) The transportation allowance established for this category is \$300 per month.
- Category 3. (A) An employee whose assignment includes full-time duties requiring the employee to frequently travel between crews or work sites, but does not require frequent off-hours travel, may be directed to use his/her personal vehicle in the conduct of City business and be authorized reimbursement. Justification for a Category 3 allowance shall be based upon work assignments and departmental needs as recommended by the Department Director. If mileage continually exceeds 600 miles per month for City business, reassignment to Category 2 should be considered and recommended if economically justified.
- (B) The transportation allowance established for this category is \$90 per month, plus \$.33 per mile.
- Category 4. (A) Employees who must occasionally travel to conduct official City business, but who do not have access to division assigned vehicles, will use Department of Administrative Services pool vehicles when available. When pool vehicles are not available, employees may be directed to use their private vehicles and will be reimbursed at the Category 4 rate of \$.40 per mile.
- (B) If mileage consistently exceeds 600 miles per month for City business, reassignment to Category 2 or assignment of a City-owned vehicle should be considered.
- (C) Category 4 claimants require Department Director approval after meeting the requirements in Paragraph 4 (A), above, as well as the requirements regarding inspection, insurance, driver's license, etc. (see Procedure).

4. Out-of-City Travel:

Category 1 and 2 claimants who take an official City business trip in their personal vehicle to a destination beyond a 50-mile radius of City Hall shall be reimbursed at the \$.33 cents per mile, plus parking fees, or the cost of the least expensive air fare plus a maximum of \$20 per trip for airport bus, limousine, or taxi fees, whichever is less. This reimbursement is in addition to the regular monthly allowance.

5. General:

- a. The City is not responsible for any cost of operation, parking, repair or damage to the employee's vehicle, except payment of the stated allowance and rates. It is the employee's responsibility to provide all service, maintenance, insurance, and fuel for his/her private vehicle when used for official City business.
- b. Should an employee's vehicle be out of service in excess of 30 days due to breakdown or accident, the claimant must have the vehicle reinspected to receive the rental allowance.
- c. Employees receiving a transportation allowance and mileage reimbursement under Categories 1, 2 and 3 shall not use City-owned/leased vehicles unless the City business trip is greater than 50 miles from City Hall.
- d. The Department of Administrative Services, Fleet Management Division, will periodically analyze the comparative efficiencies of utilizing a City-owned vehicle or private mileage reimbursement for transportation in conducting City business. When such analysis determines that it is cost effective and in the best interest of the City to provide a City-owned vehicle, such recommendation will be made to the Department Director involved and to the City Manager to procure a vehicle using the cost savings from unused budgeted private mileage funds.
- e. On July 1 of each year, the allowance rates for Categories 2, 3, and 4 shall be increased by an amount equal to the change in the Consumer Price Index, Los Angeles-Anaheim-Long Beach, Urban Wage and Clerical, from March of the previous calendar year to the March immediately preceding the July 1 date; however, such adjustment shall not exceed 10 percent. Fixed monthly allowances shall be rounded to the nearest \$5, and the mileage rates shall be rounded to the nearest whole cent.
- f. Employees who are absent from work in excess of 30 calendar days shall no longer be entitled to the transportation allowance and mileage reimbursement as provided for in this policy.

Procedure

1. Individuals who receive a transportation allowance will complete Form VH-1, have their vehicles inspected by the Fleet Management Division and show evidence of a valid California driver's license. The Form VH-1 and the Vehicle Inspection Form will be submitted to the Department of Administrative Services, Risk Management Division, along with a copy of current insurance coverage. Insurance coverage for Categories 1, 2, and 3 must prove public liability insurance in the amount of \$100,000 per individual and \$300,000 per accident, and property damage insurance of \$50,000. Insurance coverage for Category 4 claimants must be the minimum State requirement, which is currently \$15,000 per individual, \$30,000 per accident, and

\$15,000 property damage. In all categories, insurance must cover the individual while operating the vehicle on City business.

2. The Department of Administrative Services, Risk Management Division, shall review all requests for Category 1, 2, 3 and 4. This review shall include a driver's record check with the California Department of Motor Vehicles (DMV) and shall include a review of the employee's insurance and the vehicle safety check as well.
3. The Department of Administrative Services, Risk Management Division, will review all requests for Categories 2 and 3 to determine whether the nature of the work assignment and anticipated vehicle usage justify the rental of the employee's private vehicle.
4. After review and approval, the Department of Administrative Services, Risk Management Division, will forward the forms to the City Manager for final approval. In all instances, each Department Director shall ultimately be responsible for permitting only insured employees and employees with acceptable driving and safety records to operate any vehicle on City business.
5. Monthly payment of fixed allowances for Categories 1, 2, and 3 shall be from an authorized list maintained by the Department of Administrative Services, Accounting.
6. Claims for variable mileage under Categories 3 and 4 shall be submitted using the Monthly City Business Vehicle usage Record, Form VH-2.
7. Request for payment of vehicle reimbursement must be submitted no later than two months following the actual usage. It is preferable that requests be submitted the month following the actual usage period; however, Category 4 claims of less than \$10 per month may be accumulated until a total of \$50 is accumulated, or for a maximum of four months.
8. Each department shall notify the Department of Administrative Services, Risk Management Division and Accounting, of any change in the claimant's job status affecting mileage allowance or vehicle rental.

**CITY OF FRESNO
VEHICLE ALLOWANCE AND CITY VEHICLES TAKEN HOME**

SECTION I (All participants complete)

- ☐ New Authorization
☐ Additional Vehicle
☐ Replacement
☐ Update

Employee (Last Name, First, MI)

Driver's Lic. No.

Exp. Date (month/day/year)

Social Security Number

Department/Division Name

Dept./Div. No.

Title

Telephone No.

☐ **CATEGORY 2** - Assistant City Manager,
and Dept. Directors, designated positions.

☐ **CATEGORY 4** - All other users of
personal vehicles for City business.

☐ **CATEGORY 3** - Employees who drive
frequently.

☐ **CATEGORY 9 CITY VEHICLES** - City
vehicles taken home with or without special
equipment. **Complete SECTION 1 ONLY.**

WORK ASSIGNMENT - JUSTIFICATION FOR CATEGORIES 2, 3 AND CITY VEHICLES

Expected Monthly Mileage _____

If Yes, Restriction,

License Restrictions ☐ No ☐ Yes Specify Type _____

Dept. Director Signature _____ Date _____

SECTION II (VEHICLE ALLOWANCE ONLY) ATTACH A SEPARATE FORM FOR EACH VEHICLE USED

DESCRIPTION OF AUTOMOBILE

VEHICLE _____

Year

Make/Model

License Number

FLEET CHECK _____
Vehicle Meets Requirements _____ Date _____

INSURANCE (ATTACH CURRENT DECLARATION PAGE)

CARRIER _____ POLICY NO. _____ EXP. DATE _____

AGENT'S NAME _____ TELEPHONE NO. _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

Categories 2 and 3 must provide a minimum of public liability insurance of \$100,000 per individual and \$300,000 per accident and property damage of \$50,000. Category 4 must provide \$15,000 public liability, \$30,000 per accident and \$15,000 property damage.

As a result of my driving for City business, I understand that the City of Fresno will periodically review my driving and safety record.

The above information is true and correct _____ DATE _____
Employee Signature

APPROVALS:

VH1
A.O. 2-2

RISK MANAGER _____

DATE _____

CITY MANAGER _____

DATE _____

MONTHLY CITY BUSINESS VEHICLE USAGE RECORD

Div #

[illegible]

Total Miles _____

Category 3 _____ miles x .33/mile\$ _____

Category 4 _____ miles x .40/mile\$ _____

Supervisor' s Signature _____ Date _____

Subject: Safety Policy	Number: 2-3
	Date Issued/Revised: December 1, 1998
Responsible Department: DAS—Human Resources	Approved:

Policy

The number and severity of on-the-job injuries can be reduced through the use of safety equipment, proper job instruction, frequent review of safety practices, and adequate supervision. The City shall maintain a continuing, effective Injury and Illness Prevention Program to adhere to all applicable laws and regulations necessary to protect its employees. Practices and procedures necessary to maintain a safe place of employment through the elimination of hazardous conditions and unsafe working conditions shall be implemented at all levels of the organization.

Responsibilities and Procedures

1. The Chief Administrative Officer shall designate a City Safety Officer who will have the authority and responsibility for implementing the City's Injury and Illness Prevention Program.
2. The Safety Officer shall establish and chair a City-wide Safety Action Committee, which will consist of seven appointed members. Committee activities shall include, but not be limited to, the evaluation of employee recognition programs, methods of communicating safety information, work site inspections, and documentation and effectiveness of safety training.
3. Department/divisional safety programs shall include employee training programs, methods of reporting and correcting unsafe acts and conditions, the ongoing maintenance of internal safety programs, and measures for documenting progress toward achieving established safety goals and objectives. Each department/division shall be responsible and accountable for its accident record.
4. Department/divisions shall review and implement all state and federally mandated safety and health related regulations that pertain to their area of operation.
5. Departments/divisions shall maintain and implement all published instructions as contained in the City's Safety Manual, and be responsible for the periodic distribution of information from the Risk/Safety Management office.

Subject: Vehicle Accident Procedures	Number: 2-4
	Date Issued/Revised: December 1, 1998
Responsible Department: DAS—Risk Management	Approved:

Policy

The purpose of this policy is to provide guidelines regarding the distribution of information and the preservation of evidence in the event that a City vehicle is involved in an incident or accident that may result in a potential claim against the City.

Procedures

1. Employee Involved in an Automobile Accident

- a. The employee **shall not** leave the scene unless he/she is released by the responding law enforcement agency, a supervisor, or is in need of immediate medical treatment. If the adverse party leaves the scene, the City employee shall document the license number for law enforcement.
- b. The employee **shall** attempt to obtain the identity of the adverse party and any witnesses involved in the incident. Information obtained shall include the name, address, and insurance information pertaining to the adverse party.
- c. The employee **shall not** express any opinion as to fault, responsibility or liability, nor any of the facts of the incident without prior consultation with either the Risk Management Division or the City Attorney's office, except when questioned by the employee's supervisor or by the investigating law enforcement officer.
- d. The employee **shall** report the incident to the Risk Management Division at 498-1658, immediately after a vehicle accident. The employee shall complete the Automobile Accident or Loss Notice form along with any additional pertinent information, which shall be sent to the Risk Management Division. **All incidents shall be reported even if no injuries are reported or damage observed.**
- e. The employee **shall not** participate in any direct contact with any individuals or witnesses involved subsequent to the incident for any reason. Any inquiries shall be referred to the Risk Management division. (Exception: Bargaining units may have provisions in their Memoranda of Understanding that permit employee contact for purposes of accident investigation.)

2. Department Employee Assigned to Investigate Incidents

- a. The primary duty of the division employee investigating the incident is to preserve all evidence, including the production of photographs of the scene.
- b. No employee shall express any opinion regarding fault or liability. All inquiries regarding claims procedures shall be directed to Risk Management.

Subject: Property Loss Procedures	Number: 2-5
	Date Issued/Revised: December 1, 1998
Responsible Department: DAS—Risk Management	Approved:

Policy

It is the City's policy to reimburse City departments for property that has been damaged or destroyed by a covered peril.

1. The City of Fresno has a self-insurance fund which, at the option of the Risk Management Division, may replace, rebuild, or restore certain City property that was lost, damaged, or destroyed by the following perils subject to actual cash value:

Aircraft	Hail
Burglary	Lightning
Collapse	Riot
Collision	Robbery
Earthquake	Smoke
Explosion	Theft
Fire	Vandalism
Flood	Vehicles
Flying Objects	Wind

2. No reimbursement or payment for City property damage will be made from the self-insurance fund unless the Risk Management Division is notified in writing within six (6) months of the occurrence.
3. All losses are subject to a \$250 deductible per occurrence.
4. City Property Losses Excluded From Self-Insurance.
 - a. Property or perils not listed in 1 above;
 - b. Loss or damage caused by or resulting from wear, tear or deterioration, breakdown of machinery, contamination, rust, rot, insects, mold, dampness, smog or extremes of temperature; or normal settling, shrinkage or expansion in a building or foundation.
 - c. Loss of use or delay caused by an accident or incident.
 - d. Property of contractors, subcontractors and employee's personal property, unless covered by written agreements or law.
 - e. Loss from mysterious disappearance.

Procedures

1. Departments shall submit a Property Loss Notice immediately upon knowledge to the Risk Management Division for purposes of reimbursement.
2. All property claimed in the loss, if available, shall be made available for inspection by Risk Management.
3. Departments shall institute all reasonable measures to protect the property from further loss upon submission of the Property Loss Notice.

Subject: Employment Procedures and Records Maintenance	Number: 2-6
	Date Issued/Revised: April 1, 2003
Responsible Department: Personnel Services	Approved:

Purpose

To establish procedures to be used when hiring new employees.

To establish procedures for maintaining records within Personnel Services and the employing department/division.

Procedures

1. The type of position being filled and its assigned department will determine the length of time required, following certification of names from an eligible list, to actually fill the position. Considering that successful candidates may be required to give two weeks notice to current employers, combined with the reference check and the criminal conviction check, it may be five or more weeks from the date names are certified before the vacancy can be filled.
2. When practical, for positions with frequent hiring activity or a high rate of turnover, Personnel Services may provide names in addition to those eligible for certification to the appointing authority to permit an earlier start on the background process to reduce the time required to fill vacancies.
3. The appointing authority shall fill the vacancy or vacancies, as quickly as possible, from the eligibles certified, or notify Personnel Services that the appointment will not be made, whereupon the eligibles shall be restored to their relative positions on the list from which they were certified.
4. Eligibles certified for employment consideration may be required to complete a background check and driving record check at the City's discretion. The background check for permanent appointments will include a criminal conviction check through the California Department of Justice and may also include a reference check.

Temporary or provisional appointments may also be required to undergo a reference check at the City's discretion. All temporary and provisional appointments will also require the criminal conviction check.

Due to the time required to process criminal conviction checks from the Department of Justice, the City Manager may approve appointments to non-public safety positions. Positions that do not require the supervision of minors, and positions that do not handle cash transactions may begin prior to the return of the criminal conviction check. However, if the results from the background checks are not satisfactory, the appointee will be immediately dismissed.

5. The Personnel Services Department shall designate those classes that require candidates to successfully complete the medical evaluation process prior to appointment.

An appointing authority shall extend an offer of employment to the selected candidate(s) prior to the medical evaluation process and shall notify the Personnel Services Department of the candidate's selection and request that a medical examination be scheduled. The Personnel Services Department shall schedule the selected candidate(s) for medical evaluation and shall communicate the physician's findings and recommendations to the appointing authority.

If the physician determines that the candidate cannot perform the full range of duties, the appointing authority shall consider the availability of accommodation that would permit the candidate to perform the essential duties of the position. Consideration shall be on a case-by-case basis and shall include making existing facilities readily accessible, job restructuring, modifying work schedules, and acquiring or modifying equipment or devices. This list is not intended to be exhaustive; rather it is intended to provide general guidance regarding the appointing authority's obligation to explore reasonable accommodation.

The appointing authority may reject a candidate when the accommodation required would create an "undue hardship." The term "undue hardship" is defined as an action that would impose undue financial or administrative burdens or would require a fundamental alteration in the nature of City operations. The appointing authority shall communicate in writing to the Personnel Services Department, the specific reasons or circumstances that constitute an "undue hardship" precluding the hiring of the candidate.

6. An Employee Action Form shall be prepared and forwarded to Personnel Services, as soon as approval of the appointment is received, to place the person selected on the payroll. That includes an approved Personnel Requisition for permanent appointments or an approved Attachment "B" for temporary appointments. The appointing authority will then notify **all** persons interviewed that the position has been filled.
7. New hires must complete and submit required paperwork to Personnel Services either prior to, or immediately upon, beginning employment with the City. The Immigration Reform and Control Act **requires** that newly hired employees provide to Personnel Services acceptable proof of their right to work in the United States. The effective date of the appointment shall not precede the date that all required paperwork and documents are provided by the new hire.
8. The following documents shall be filed and retained in the employee file located in Personnel Services:
 - a. Original applications/resumes.
 - b. Original Employee Action Forms.
 - c. COBRA designations and related documentation.
 - d. Approved, original Work Permit applications.
 - e. Unemployment Insurance claims/related documentation.
 - f. Finalized disciplinary actions, starting with written reprimands.

9. Some portions of police officer personnel files shall be destroyed by the Personnel Services Department five and one-half (5-1/2) years after the date of the incident. Those documents include:
 - a. Complaints.
 - b. Disciplinary actions.
 - c. Training certificates.
 - d. Performance evaluations.
10. Immigration Reform and Control Act documentation and medical records shall be retained in separate files, also located in Personnel Services.
11. Active Workers' Compensation claims shall be maintained in a separate file until the claim is closed. Upon closure, materials shall be merged with the employee's medical file.
12. The following documents shall be retained in the employee's file within the employing department/division:
 - a. Performance evaluations (except as indicated in #9 above).
 - b. Driving record check (if required).
 - c. Commendations.
 - d. Training certificates (except as indicated in #9 above).
 - e. Copy of approved Work Permit applications.
 - f. Approved leave request slips.
13. Upon transfer, promotion or reassignment of an employee to another department, materials retained at the department shall be forwarded to the receiving department upon, or immediately following, the transaction.
14. Upon termination of employment, materials retained at the department shall be forwarded to Personnel Services.

Subject: Verification of Employment or Release of Information to Prospective Employers	Number: 2-7
	Date Issued/Revised: September 1, 2000
Responsible Department: DAS—Human Resources	Approved:

Purpose

To establish a uniform policy concerning requests for employment verification, and for release of information on current or former employees to prospective employers.

Procedures

All official records on employees, past or present, are maintained by Human Resources Operations Division. Requests for information or verification of information (i.e., job title, department, length of employment, salary, etc.) from outside sources shall be referred to Human Resources Operations.

Prospective employers occasionally request a supervisor with the City to evaluate a current or former City employee's job performance and/or personal qualifications. Supervisory personnel of the current or former employee may supply such information as may be requested only when the employee (current or former) has provided the City, through a prospective employer, with an authorization to release information concerning his or her job performance and/or qualifications.

In the case of former employees, the reason for the employee's termination or resignation may also be requested. When an employee leaves or has been removed or terminated from City service, only that information that is a matter of public record may be provided to a prospective employer. Such information is to be provided by the Human Resources Operations Division.

If the condition above has been met, the individual listed as a reference may respond to the inquiry; or the City, through the employee's supervisor, may release information consistent with the authorization provided. If the condition has not been met, no such information shall be released to prospective employers. If information is requested regarding an employee's leaving City service, refer the inquiry to Human Resources Operations.

Subject: Classification Plan Maintenance Procedure	Number: 2-8
	Date Issued/Revised: December 1, 1998
Responsible Department: DAS—Human Resources	Approved:

Purpose

To establish the procedures for classification of positions in the classified service.

Policy

The position classification plan is an essential element of the personnel system, which must be maintained to provide an accurate base for decisions on staffing, compensation, selection, promotion, transfer and related employment issues.

Procedures

1. Periodic Reviews

The Director of Administrative Services periodically, or when circumstances indicate, shall review an existing position or group of positions in a department or departments to determine that the position is allocated to the appropriate class and that the class specification is accurate. As a result of such review, new classes may be added and existing classes may be divided, combined, altered or abolished.

Routine modifications of class specifications may include a title change; addition or deletion of tasks that do not reflect a change in the level of responsibility, such as a change in emphasis in existing tasks; and improvements in equipment or technology to perform existing tasks. Such routine revisions to the specification shall not constitute a reclassification of positions allocated to the class and the status of incumbents of positions in the class shall not change.

Class specifications shall be reviewed informally with department representatives and modified prior to the announcement of an examination. If significant changes in the level of responsibilities or the duties are identified in the informal review, a study of the affected positions may be required.

2. Department Director Requests

A department director shall have the authority to request a classification review when a significant, permanent modification has been made in the duties assigned to a position. The request shall describe the change in duties and indicate whether the change resulted from the addition of a new service or function, or if the duties were reassigned from another position. The department director shall submit the request to the Chief Administrative Officer. With the

approval of the Chief Administrative Officer, a classification review will be conducted in accordance with the procedure set forth in 5 below. The department director may withdraw the request at any time.

3. Individual Requests

Any incumbent may request, in writing, a classification review of an existing position. The request shall be submitted to the Department of Administrative Services and shall include sufficient information on changes in duties or function of the position to establish the need for a review.

4. New Positions

The Director of Administrative Services shall review and recommend to the Chief Administrative Officer the classification of any new position created as part of an organization change, an addition of a function or service, or as part of the budget review.

5. Classification Review Procedures

Following Chief Administrative Officer approval of the request for study, classification reviews of existing positions shall be conducted as follows:

- a. Incumbents of the position to be studied shall complete a position description questionnaire on a form provided by Human Resources. The supervisor shall complete a Supervisor's Statement form. Completed and signed forms shall be forwarded to Human Resources.
- b. Within 10 days after receipt of the completed forms, the employee and the responsible department director shall be notified of the Human Resources staff member assigned to conduct the review, of any additional written information or documents needed to complete the questionnaire and of the arrangements for an on-site audit.
- c. Position description questionnaires may be required to be completed by incumbents of other positions in the same class and by other employees in the same work unit in any class of positions.
- d. An on-site audit will be conducted to interview incumbents of positions included in the review. In those cases where two or more incumbents perform substantially the same duties as described in the questionnaires and supervisors' statements, on-site audits will be conducted for a representative sample of the positions.
- e. A preliminary report will be prepared based upon the information acquired from the written materials and the audit. The report shall summarize the findings including comment on pertinent areas, such as the difficulty and complexity of the work, supervision given or received, type and level of decisions and judgment required, and whether the work is varied or repetitive. Comments may address other issues identified in the study including assignment or organization of the work and staffing levels. The preliminary report shall be provided to the department director for discussion and comment.

- f. Within 120 days of receipt of the completed forms (except as noted in Sections 2 and 7), a final report of findings and recommendation, including the department director's comments, shall be submitted to the Chief Administrative Officer. The Chief Administrative Officer may approve the report and recommendations in total or in part, reject the proposal or require additional information, study and review by the Director of Administrative Services, or by the affected department director.
- g. With Chief Administrative Officer approval, the findings and recommendations will be forwarded to the incumbent employees and the employee organization representing the affected classes. Human Resources staff will consult at the request of the employee or the employee representative. Should new or conflicting information be submitted during a consultation, this information shall be evaluated before final action is taken.
- h. A hearing on any proposed reclassification shall be noticed and conducted in accordance with Section 2-1604(b) of the Fresno Municipal Code.

6. Implementation

Position classification changes shall be implemented as soon as possible upon completion of the review procedures.

- a. New classes shall be established by amendment to the Salary Resolution adopted by the City Council.
- b. Classification of newly authorized positions and reclassification of existing positions shall be accomplished by administrative amendment to the Position Authorization Resolution (PAR) approved by the Chief Administrative Officer and filed with the City Clerk, subject to Council approval of amendments to the Salary Resolution or AAR, as required.
- c. A position reclassified upward shall be filled in accordance with the applicable provisions of the Fresno Municipal Code and Salary Resolution, Section II, Salary Step Plan, Subsection G.
- d. When a position is reclassified downward, the employee's step placement shall be either: (1) on such step of the new range as to receive the same salary that was received under the old range; or (2) on the step of the new range next higher than the employee's present salary, if the present salary is between steps of the new range; or (3) the employee shall be Y-rated if the present salary is higher than the fifth step of the new range and shall remain unchanged until such time as general salary range adjustments increase the salary for the new classification to a range that encompasses the Y-rated salary. The employee's anniversary date will remain unchanged.

7. Limitations

- a. The classification of any position will be reviewed no more than once in any 24-month period, except where a position is directly affected by a reorganization approved by the City Council and/or the Chief Administrative Officer, or by a change in service approved by the City Council.

- b. An individual request for a position classification review may be denied without prejudice and the employee so notified in those cases where a City-wide or organizational review of a work unit is required. The study of the individual position shall be included in the more comprehensive study with the determination of the classification to be part of the findings and recommendations in the overall report.

Subject: Retirement Calculations for Deleted Class Titles	Number: 2-9
	Date Issued/Revised: December 1, 1998
Responsible Department: DAS—Human Resources	Approved:

Policy

DAS—Human Resources Operations shall notify recognized employee organizations and/or affected employees of proposed retirement benchmark prior to recommending that a class be deleted from the Salary Resolution.

Procedures

Fresno Municipal Code Section 2-1603.1, "Deletion of Classes," requires that benchmarks be established, by Council Resolution, for retirement calculation purposes whenever a class title is deleted from the Salary Resolution. The Code section also requires that notification be provided to employees and recognized organizations in advance of presentation of a resolution to the City Council. This is the Code-required notification process.

Whenever an amendment to the City Salary Resolution includes a recommendation to delete one or more class titles, a resolution shall be prepared for Council adoption for the purpose of establishing a benchmark(s) and a pay comparison for the deleted class(es). Prior to presentation to the City Council, staff shall notify the recognized representative of the bargaining unit that represents employees in the class(es) recommended for deletion or, if the class is in a non-represented unit, employees in the class, of the date the resolution will be on the Council Agenda, the benchmark class and, if applicable, the percentage that should be added to, or subtracted from, the salary range for the benchmark class.

Sufficient time shall be provided between notification of the recognized representative or employee(s) and submission of the item on the Council Agenda to allow for consultation between the representative or employee(s) and Human Resources prior to action by the Council.

Following approval by the City Council of the Resolution establishing benchmark(s), a copy of the Resolution shall be provided to the Retirement Office for its official records.

Subject: Flexible Staffing	Number: 2-10
	Date Issued/Revised: December 1, 1998
Responsible Department: DAS—Human Resources	Approved:

Purpose

To establish uniform guidelines for flexibly staffed classes.

Policy

Flexible-staffing is used to designate classes in a promotional series in which both the entry and journey level classes are assigned the same kinds of duties, the difference being the range of duties performed, the level of skill required, and the amount of supervision received.

Flexible-staffing allows departments to hire at the lower level class in the series, provide on-the-job training, and to promote to the next higher level in the series through a non-competitive examination process, once the full range of duties is being performed.

Procedures

In order for classes to be designated as flexibly staffed, the following criteria must be met:

1. The lower level class must be entry-level, requiring limited job skills, while the higher level class must be the full journey/working level in the series.
2. The two levels should be assigned the same type of duties and responsibilities permitting the various tasks to be assigned incrementally with employees in the lower level class initially assigned a limited range of duties to be performed under close supervision. As experience is gained, assignments cover a wider range and a higher level of duties.
3. By the time the experience requirement for promotion is met, the full range of duties should have been assigned, requiring a minimum of supervision. At this time, if the employee is able to satisfactorily perform the full range of duties, he/she should be given a non-competitive examination for promotion to the higher class. If the employee is not able to perform the full range of duties, he/she should be terminated.

An employee serving in a flexibly staffed position may be promoted, upon the recommendation of the appointing authority, from the entry-level class to the experienced working-level class in the same class series. Promotion is accomplished through a non-competitive examination when the employing department certifies that the incumbent meets the minimum requirements, has completed the probationary period, is performing satisfactorily at the higher level, and no budgetary limitations exist on the number of positions that can be filled at the highest level in the flex-staffed series.

subject to any budgetary restraints, departments are to request that the employee be given a non-competitive examination when the above requirements are met. If an employee is not recommended for promotion when he/she is eligible, he/she should be advised by the employing department of the reasons why the promotion is not being recommended and of the improvements needed before promotion is recommended.

The experience requirements for promotion to the higher level class may be met in part by experience gained outside the City service, but in no event shall outside experience be counted toward more than one-half of the experience requirement. When outside experience is used to meet the minimum qualifications, documentation of the outside experience must be submitted to Human Resources for approval.

Subject: Probationary Period for Flexibly Staffed Positions—Non-supervisory White Collar Unit	Number: 2-11
	Date Issued/Revised: December 1, 1998
Responsible Department: DAS—Human Resources	Approved:

Purpose

To establish uniform guidelines for the probationary period for employees in flexibly staffed classes in the non-supervisory white collar unit. This section applies to employees in this unit hired on and after October 1, 1989.

Procedures

The function of flexible staffing is to allow an employee in an entry-level class to promote to the journey level as the employee gains experience and skill in the position. Since the interest of the City is in having trained employees at the journey level, performing the duties and being compensated at the higher level, neither the City nor the employee is well served by retaining less qualified employees at entry-level positions. If an employee cannot demonstrate the ability to serve at the higher level, retention is not acceptable.

Employees in classes in flexibly staffed series (entry and journey levels) in this unit serve a total probationary period of one year.

For those classes that have minimum qualifications, which allow “flexing” after six months of service, the second six months of probation is served at the journey level. Employees in classes that require one year of service for flexing will **not** serve an additional probationary period at the journey level. For purposes of this section, “flexing” shall mean promotion to the journey level in a class series through non-competitive examination. (See Administrative Order 2-10 for further information.)

Departments are required to administer performance evaluations during the one-year probationary period. The department must take action to either terminate an employee during the probationary period or complete the required process for flexing **prior** to the employee’s eligibility date, except as provided for in Administrative Order 2-10, or as described below.

Only for those classes with six-month flex periods, an extension of the flex period of up to 90 days may be approved by the Director of Administrative Services, with evidence filed in Human Resources that an employee was given less-than-satisfactory evaluations and counseled on deficiencies. The department shall provide to the employee, in writing, the reasons why no recommendation for the non-competitive qualifying examination is being made prior to the end of the six-month flex period. The employee shall not be flexed until the performance deficiencies are corrected. If the deficiencies remain at the conclusion of the extension, the employee shall be terminated. This extension does not lengthen the overall probationary period.

Consistent with applicable Municipal Code sections and Administrative Orders, flexing of an employee requires certification from the appointing authority that the employee:

- a. Has demonstrated the ability to perform the full range of duties at the journey level assigned to the class;
- b. Meets the established minimum qualifications; and
- c. Has passed a non-competitive qualifying examination.

Salary increases for the journey/working level in the class shall always commence either at the end of the six-month flex period or the end of the probationary period, depending on the series designation. Anniversary dates shall remain constant, except when an employee is recommended for testing and his/her department's recommendation comes prior to either the six-month flex period or prior to the end of the employee's probationary period. (Other exceptions may include anniversary date change due to non-pay status for level usage and/or leave without pay status during probationary periods, or when a flex period is extended due to performance deficiencies.) In all cases, employees must pass the non-competitive qualifying examination prior to promotion to the higher working level.

Subject: Probationary Period for Flexibly Staffed Positions—Non-supervisory Blue Collar Unit	Number: 2-12
	Date Issued/Revised: December 1, 1998
Responsible Department: DAS—Human Resources	Approved:

Purpose

To establish uniform guidelines for the probationary period for classes in a flexibly staffed series. This section applies to employees in this unit hired on and after October 1, 1989.

Procedures

The function of flexible staffing is to allow an employee in an entry-level class to promote to the journey level as the employee gains experience and skill in the position. Since the interest of the City is in having trained employees at the journey level, performing the duties and being compensated at the higher level, neither the City nor the employee is well served by retaining less qualified employees at entry-level positions. If an employee cannot demonstrate the ability to serve at the higher level, retention is not acceptable.

Employees in classes in flexibly staffed series (entry and journey levels) must serve a total probationary period of one year.

For those classes that have minimum qualifications, which allow “flexing” after six months of service, the second six months of probation is served at the journey level. Exceptions to this rule are as follows:

- a. Body and Fender Repairer Trainee
- b. Bus Air Conditioning Mechanic Trainee
- c. Bus Mechanic I
- d. Fire Equipment Mechanic I
- e. Wastewater Treatment Plant Mechanic I
- f. Wastewater Treatment Plant Operator I

The classes listed above will continue to serve a six-month probationary period **at each level in the series**, and shall be flexibly staffed in accordance with Administrative Order 2-10.

For purposes of this section, “flexing” shall mean promotion to the journey level in a class series through non-competitive examination. (See Administrative Order 2-10 for further information.)

Departments are required to administer performance evaluations during the one-year probationary period. The department must take action to either terminate an employee during the probationary period or complete the required process for flexing **prior** to the employee’s eligibility date.

For only those classes with 6-month flex periods, an extension of the flex period of up to 90 days may be approved by the Director of Administrative Services, with evidence filed in Human Resources that an employee was given a less-than-satisfactory evaluation and counseled on deficiencies. the department shall provide to the employee, in writing, the reasons why no recommendation for the non-competitive qualifying examination is being made prior to the end of the six-month flex period. The employee shall not be flexed until the performance deficiencies are corrected. If the deficiencies remain at the conclusion of the extension, the employee shall be terminated. This extension does not lengthen the overall probationary period.

Consistent with applicable Municipal Code sections and Administrative Orders, flexing of an employee requires certification from the appointing authority that the employee:

- a. Has demonstrated the ability to perform the full range of duties at the journey level assigned to the class;
- b. Meets the established minimum qualifications; and
- c. Has passed a non-competitive qualifying examination.

Salary increases for the journey/working level in the classification shall always commence either at the end of the six-month flex period or the end of the probationary period, depending on the series designation. Anniversary dates shall remain constant, except when an employee is recommended for testing and his/her department's recommendation comes prior to either the six-month flex period or prior to the end of the employee's probationary period. (Other exceptions may include anniversary date change due to leave usage and/or leave without pay status during probationary periods, or when a flex period is extended due to performance deficiencies.) In all cases, employees must pass the non-competitive qualifying examination prior to promotion to the higher working level.

Subject: Career Development of Management Analysts	Number: 2-13
	Date Issued/Revised: December 1, 1998
Responsible Department: DAS—Human Resources	Approved:

Purpose

To establish procedures for the selection, training, development and assignment of Management Analysts.

Policy

The City encourages the development of a generalist management staff to assure itself of an experienced staff and to provide employees with career development and job enrichment opportunities.

Procedures

1. Management Analyst I

Selection: Appointments will be made from the eligible list by department directors. If several positions in different departments are being filled at the same time, a joint interview panel may be formed consisting of department director (or their representatives) in whose departments the vacancies exist.

Promotion: The Management Analyst I class is a class to which the rules of flexible staffing apply (see Administrative Order 2-10). Employees will normally be considered for promotion to Management Analyst II after completing 12 months of service and upon recommendation of the appointing authority, in accordance with the procedure outlined in Administrative Order 2-10.

2. Management Analyst II

Selection: Promotion to Management Analyst II will be through a non-competitive examination process.

Promotion: A Management Analyst II may be considered for promotion to a vacant Management analyst III or Personnel Analyst III position after he/she has acquired the necessary two years of experience as a Management Analyst II and has received above average performance evaluations. It may be to the advantage of Management Analysts II to have experience in more than one assignment area within the City, but it is not a requirement for promotion.

3. Temporary Assignment

Employees may be assigned on a temporary basis to fill vacant Management Analyst positions in other departments or may be temporarily reassigned (loaned) to another department without a vacancy to complete special projects. Temporary assignments may last from several weeks to several months.

4. Transfer

If an analyst is seeking permanent assignment to a different City operation, a request for transfer shall be filed with Human Resources.

Subject: Guide to Corrective Action	Number: 2-14
	Date Issued/Revised: November 23, 1998
Responsible Department: DAS—Human Resources	Approved:

Policy

It is the policy of the City to administer discipline in a consistent, equitable manner throughout all departments. Work situations obviously differ, so the use of discipline must be tempered by good judgment. No fixed discipline can be prescribed for any single infraction of the rules. The more serious the infraction, or the more frequent, the more severe the discipline should be. Unusual circumstances may lessen or increase the severity.

Procedures

1. **Fresno Municipal Code (FMC) Requirements:** The FMC does not cover letters of understanding or written reprimands. It applies only to fines, demotions, suspensions or removals of permanent employees. Always refer to the proper code sections for requirements, authority to take action, etc., but the following summarizes the FMC provisions.
 - a. **Causes for Action (Section 2-1666):** Malfeasance, misconduct, inefficiency, failure to perform duties of the position, to observe established rules and regulations, or cooperate reasonably with superiors or fellow employees; malfeasance and misconduct include a variety of specific acts or omissions.
 - b. **Authority to Take Action:**
 - (1) Fine: \$100 maximum, Section 2-1662
 - (2) Suspension: 30 calendar day maximum, Section 2-1662
 - (3) Demotion: Section 2-1665
 - (4) Removal: Section 2-1663
 - c. **Notice of Intended Action:** FMC Section 2-1661.5 requires that a permanent employee be given advance written notice of an intent by a department director to fine, suspend, demote or remove that employee. The employee has seven calendar days in which to respond to the department director, verbally or in writing. The seven-day period can be extended only by the Director of Administrative Services at the request of the employee. After receipt of the response, if any, and consideration thereof, the department director may proceed with appropriate action. There is an exception to this provision for certain serious infractions.
 - d. **Appeal Procedure:** FMC Section 2-1663 provides an appeal of a fine, demotion, suspension or removal by a permanent employee to the Civil Service Board (CSB) or, for Blue Collar and White Collar employees, an option of a hearing before a hearing officer. The

recommendation of the hearing officer goes to the CSB for final action. The decision of the CSB is final in appeals from disciplinary actions.

e. **Required Signatures:**

- (1) **Notice of Intended Action:** Three signatures are required on the Notice of Intended Action—Department Director, City Attorney, and Director of Administrative Services. The signatures should be obtained in the order listed.
 - (2) **Disciplinary Action:** Four signatures are required on the Notice of Action: Department Director, City Attorney, Director of Administrative Services, and Chief Administrative Officer. The signatures should be obtained in the order listed.
 - (3) The signature of the City Attorney indicates that legal requirements are met, code references are correct, charges are adequate, etc. The signature of the Director of Administrative Services indicates that the action is procedurally correct and consistent with other disciplinary actions of the same nature and seriousness. The Chief Administrative Officer's signature indicates his awareness of the situation, its seriousness, and his agreement that the infraction warrants the discipline for the good of the City.
- f. A copy of the Notice of Action, together with proof of service of the Notice, must be filed with the Civil Service Board within ten (10) days of service upon the employee (FMC 2-1663). Forward the copy to Human Resources to be placed in the employee's permanent file.

2. **General Guidelines**

- a. **Dissemination of Rules:** Each department has the obligation to make employees fully aware of the rules and requirements of the job and to ensure that employees perform and behave acceptably. Employees who do not are subject to disciplinary action.

"I didn't know" should not be an accurate response by an employee to disciplinary action. Each department has the obligation to inform an employee of the rules and regulations applicable to that employee. The employee should be aware of the consequences of failure to follow the rules and regulations.

- b. **Progressive Discipline:** Serious offenses, even a first offense, can warrant a long suspension or termination. Usually, however, corrective action results from a series of offenses, and discipline should be progressive, generally leading from lesser action to more severe action.

Termination is appropriate when a particular incident is by itself intolerable, or when a series of offenses indicates that the employee cannot, or will not, abide by the rules and regulations.

The corrective actions listed below, in order of severity, are the standard forms of action, but are not necessarily all-inclusive. If, in a supervisor's judgment, an alternative method will correct the problem, use it, but put it in writing, stating that it is being used in lieu of more

formal action. This established a record of action and, if the problem continues, more strict discipline may be taken in the future.

- (1) **Retraining:** This should occur when evidence indicates the problem is a lack of knowledge or skill by an employee, correctable by attention to skill improvement.
- (2) **Letter of Understanding:** This is most appropriate when the problem is a lack of understanding of the rules, regulations, and requirements of the job, rather than an intentional disregard of them. No fault attaches to this action; it is an assurance that an employee knows what is expected.
- (3) **Oral Reprimand:** This is the first form of discipline for minor offenses and should be documented as having been given by a supervisor. Although nothing would be placed in an employee's permanent file in Human Resources, it may be documented in a departmental personnel file, and a copy should be provided to the employee.
- (4) **Written Reprimand:** This should be used when an offense is sufficiently serious, on its own or in a series of offenses, to warrant a written document reprimanding an employee for certain behavior. The document should contain a statement of the specific action of the employee, the rule violated, and a statement that further violations will result in more severe discipline.
- (5) **Suspension:** Suspension is a serious form of discipline and should be used only for serious offenses or for the most recent in a series of offenses not corrected by less severe disciplinary action. A Notice of Intended Action, in accordance with FMC Section 2-1661.5, is required before suspending a permanent employee. Permanent employees may appeal suspensions.
- (6) **Fine in Lieu of Suspension:** The same criteria apply to fines as to suspensions, including a Notice of Intended Action. Fines should be administered sparingly, generally where suspension is inappropriate or ineffective, or where an offense involves damage to property.
- (7) **Demotion of Promoted Employee:** Demotion can occur for the same reasons as for fine or suspension, but should be limited to cases where job performance in the higher class is inadequate and demotion of a promoted permanent employee to the previously held lower class is the only way of achieving adequate performance. A Notice of Intended Action is required.
- (8) **Removal:** Termination should be used when the offense or situation is so serious that retention is not acceptable, or when the action of the employee is the latest of a series of offenses showing that the employee is unwilling or unable to correct his/her behavior, even despite previous progressive discipline.

Termination may be ordered for physical or mental incompetence, which may or may not occur through fault of the employee. Competent medical evidence is required, and action should be taken only after close consultation with Human Resources. A Notice of

Intended Action is required for permanent employees. Removal for failure to meet the requirements of the job, or for physical or mental incompetence, requires special attention, and the general rules for "discipline" may not apply.

- c. **Consistency of Discipline:** Discipline must be consistent in its application. Employees should be treated equally in those cases under the same circumstances. If two employees are both late for work without acceptable reasons and it has occurred the same number of times for both, both should receive equal corrective action. Consistency also applies to individual employees. A supervisor cannot overlook an infraction three times and take action effectively the fourth time. Little things cannot be overlooked. The "last straw" syndrome has no place in effective discipline. An employee who gets away with several offenses cannot be fired as a form of retroactive discipline. Discipline, and correction of unacceptable behavior, proceeds from one step to the next—not in large increments. Since the acceptable level of behavior is set by the worst employee, differential treatment (under the same set of circumstances) is inappropriate and will be resented. "Good" employees cannot be expected to perform and behave better than "poor" employees if the poor employee's behavior is tolerated.
3. **Probationary Employees:** Probationary employees require special care and attention. While probationary employees should be on their best behavior and we should expect a special effort, probationary employees may be unfamiliar with the City, its operation, and the requirements of the job. Additional direction and counseling may be necessary. Supervisors must take extra care to ensure that probationary employees are aware of the rules and regulations applicable to them.

Corrective action may be taken for probationary employees. Rejection of probation is accomplished pursuant to FMC Section 2-1656. No Notice of Intended Action is required and no appeal is provided.
4. **Exempt Employees Under Fair Labor Standards Act:** Exempt employees may not be suspended for a period of less than one week, except for major safety violations. Fines are not a permissible form of discipline for exempt employees. These provisions shall be applicable to any and all disciplinary orders or actions involving exempt employees as of and since September 1, 1991. Refer to the Salary Resolution for determination of exempt status.

Good judgment is the most critical element in the administration of corrective action. The intent is to change an employee's behavior to an acceptable standard—not to punish. Even termination is not punishment. Termination recognizes that correction is not possible and eliminates the problem in the only remaining way.

Any questions should be referred to Human Resources or the City Attorney's Office, as appropriate. Any department needing assistance in determining the level of corrective action, writing the action document, or any other help, should contact Human Resources.

Subject: Resolution of Concerns of Management & Confidential Employees	Number: 2-15
	Date Issued/Revised: December 1, 1998
Responsible Department: DAS—Human Resources	Approved:

Purpose

To establish a uniform procedure for handling concerns of Management and Confidential employees.

Policy

Management and Confidential employees hold a unique position in the organization and structure of the City, which makes the grievance procedure followed by subordinate employees inappropriate. Recognizing the desirability of establishing an orderly procedure through which employees may present a concern or complaint involving his or her employment relationship with the City, the following procedure is established for Management and Confidential employees, and shall be used in lieu of any other established procedure.

Procedures

An employee who has a concern about his or her employment with the City should discuss the concern with his or her immediate supervisor and attempt to resolve the matter.

Should the matter remain unresolved, the employee may present the matter orally or in writing to his or her department director. The department director shall meet with the employee and attempt to resolve the matter. Should the concern remain, the employee may present the matter, in writing, to the Chief Administrative Officer. The Chief Administrative Officer will meet promptly with the employee to discuss and seek resolution of the matter.

An employee who wishes to discuss a matter of extreme sensitivity or urgency directly with the Chief Administrative Officer may do so without first present the matter to his or her supervisor or department director, by meeting with the Chief Administrative Officer. In this meeting, a careful evaluation will be made of the nature of the concern or complaint. If it does not involve a matter of extreme sensitivity or urgency, the employee will be directed to raise the matter with the immediate supervisor or department director for further consideration in the normal manner.

This procedure formalizes what has been informally practiced as part of normal, healthy relations among members of the management team. While it underscores the commitment to open lines of communication within management, it carries with it a recognition of the importance of the chain of command and the related commitment of all management people to a common purpose and direction in the management of City programs.

Subject: Discrimination and Harassment Policy and Complaint Procedure	Number: 2-16
	Date Issued/Revised: January 15, 2003
Responsible Department: Personnel Services	Approved:

Policy

It is the policy of the City to maintain and foster a work environment in which all employees can work free of discrimination. No form of discrimination or harassment based on race, color, ancestry, national origin, gender, religion, disability, medical condition, marital status, sexual orientation, age, disabled veteran status, or status as a veteran of the Vietnam era, or any other classification protected by law, toward any employee will be tolerated. These protections extend to perceived race, religion, color, national origin, ancestry, disability, medical condition, marital status, sex, sexual orientation and age, or an employee who is associated with a person who has or is perceived as having any of those characteristics. This policy also prohibits retaliation against an employee who brings or participates in a complaint of discrimination or harassment.

I. DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT, RETALIATION

A. DISCRIMINATION

1. Definition of Discrimination

Discrimination is conduct that subjects an employee to disparate treatment on account of his/her protected classification.

2. Examples of Conduct That May Constitute Discrimination

Examples of verbal, physical or visual conduct that may constitute discrimination include, but are not limited to, depriving an employee of employment opportunities on the basis of a protected classification such as:

- a. refusing to hire or promote a person because of a protected classification;
- b. terminating an employee on the basis of a protected classification;
- c. subjecting an employee to different performance standards or reviews because of protected classification, other than in conjunction with a reasonable accommodation offered to a qualified individual with a disability;
- d. disciplining an employee on the basis of a protected classification; or
- e. depriving an employee of job benefits or compensation on the basis of a protected classification.

B. HARASSMENT

1. Definition of Harassment

Harassment can be verbal, visual, or physical. Although what constitutes harassment will vary with the particular circumstances, it is defined as unwelcome and directed or related to an employee's classification.

2. Examples of Conduct That May Constitute Harassment

Examples of conduct that may constitute harassment are:

- a. verbal harassment, such as harassing phone calls, jokes, slurs, epithets, anecdotes, or other derogatory comments directed to an employee or group of employees on account of their protected classification;
- b. visual harassment, through the use of writings, graffiti, e-mail, posters, objects or symbols that insult, ridicule or demean an employee or group of employees' protected classification; and
- c. physical harassment, such as unwelcome or offensive touching, stalking, or impeding or blocking movement on the basis of a protected characteristic.

C. SEXUAL HARASSMENT

Sexual harassment is conduct meeting the criteria in Section B and elaborated under this provision.

1. Definition of Sexual Harassment

Sexual harassment can be verbal, visual, or physical. Although what constitutes sexual harassment will vary with the particular circumstances, it is defined as unwelcome sexual advances, requests for sexual favors and other acts of sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended or actually does unreasonably interfere with an employee's work performance or creates an intimidating, hostile, or offensive working condition. In addition, gender-based discrimination, which may include acts of verbal, nonverbal, or physical aggression, intimidation or hostility based on a person's gender, but not involving conduct of a sexual nature, may be a form of sexual harassment.

Not all sexual harassment occurs between persons of differing power. Sexual harassment may also occur between co-workers. In addition, while the majority of reported cases of sexual harassment involve a male harassing a female, sexual harassment may also involve a female harassing a male, or a male or female harassing a person of the same gender.

2. Examples of Conduct That May Constitute Sexual Harassment

Examples of verbal, physical or visual conduct that may constitute sexual harassment include, but are not limited to:

- a. direct propositions of a sexual nature;
- b. sexual innuendoes and other seductive behavior, including subtle pressure for sexual activity such as repeated, unwelcome requests for dates, and repeated inappropriate comments, staring or touching;
- c. direct or implied threats that submission to sexual advances will be a condition of employment, promotion, etc.;
- d. conduct that has the effect of discomforting, humiliating or both, and that includes one or more of the following:
 - (1) comments of a sexual nature, including sexually explicit statements, questions, jokes, anecdotes or graphic material (e.g., sexually explicit visuals such as pin-ups);
 - (2) unnecessary or unwanted touching, patting, massaging, hugging or brushing against a person's body or other conduct of a physical nature;
 - (3) remarks of a sexual nature about a person's clothing or body;
 - (4) insulting sounds or gestures, whistles, etc.;
 - (5) unwelcome and inappropriate letters, telephone calls, electronic mail, or other communications.
- e. Stalking;
- f. Sexual assault.

D. RETALIATION

The City acknowledges and understands that in order to implement a non-discrimination/non-harassment policy, it is essential that all persons who witness or experience discrimination or harassment of the type prohibited by this policy report that discrimination or harassment immediately in order to facilitate early, effective, efficient, and impartial investigation and intervention by the City. Accordingly, any retaliation against an employee for making a discrimination/ harassment complaint, reporting discrimination/harassment that he or she has witnessed, or assisting in a discrimination/harassment investigation is strictly prohibited.

II. PROCEDURE FOR INTERNAL COMPLAINTS

In the event an employee alleges that he or she has been subjected to employment discrimination practices, harassment on the job, a hostile work environment, or retaliation for having filed a complaint, the procedures below shall serve as the process for resolving such allegations.

A. Step One: Employee (Optional)

An employee may discuss the problem with the offending party in an effort to reach a solution. The problem may simply be a misunderstanding or lack of communication, which may not constitute discrimination or harassment.

B. Step Two: Reporting

If the problem is not corrected by discussing it with the offending party, the employee should report it to his or her supervisor. If the offending party is the complainant's supervisor, the complainant should report the incidents to the next level of supervision. Under these circumstances, Step Three shall apply and, if the parties are unsatisfied with the results of Step Three, then Step Four shall apply. If the offending party is the complainant's Department Director, the complainant should report the incidents directly to the Director of Personnel Services and Step Four of this procedure shall apply. If the offending party is the Director of Personnel Services, the complainant should report the incident to the Chief Administrative Officer and Step Five shall apply.

C. Step Three: Department

The Department Director or his/her designee may attempt to resolve the complaint by discussion with the complainant and the offending party. When this is successful in resolving the complaint, the Department Director shall provide the Director of Personnel Services with a written memorandum of understanding containing the party's signature and proposed remedial or corrective action, if applicable.

If resolution is not achieved, the Department Director or his/her designee shall investigate the complaint. The Department Director shall provide the Director of Personnel Services with a report that documents the nature of the complaint, the department's findings, and the proposed remedial or corrective action, if applicable.

If the Director of Personnel Services does not agree with the level of the proposed remedial or correction action, he/she shall notify the Department Director. If the Director of Personnel Services and the Department Director are unable to agree upon the level of discipline, the matter shall be referred to the Chief Administrative Officer.

Upon the completion of the department's investigation and determination of the level of remedial or corrective action, if applicable, the Department Director or his/her designee shall advise the complainant and accused of the investigative findings.

D. Step Four: Personnel Services

If the complainant or accused is unsatisfied with the outcome of the department's investigation or the offending party is the complainant's Department Director, a complaint may be made to the Director of Personnel Services. The Director of Personnel Services or his/her designee shall conduct an investigation independent of the department's investigation. Upon the completion of the investigation, the Director of Personnel Services shall provide a written report to the Chief Administrative Officer. Unless otherwise determined and requested by the Chief Administrative Officer, the report shall include the facts, findings, and recommended remedies or corrective action, if applicable. The Chief Administrative Officer shall notify the Department Director of the investigative findings and whether remedial or corrective action is required.

Upon the completion of the investigation and determination of the level of remedial or corrective action, if applicable, the Director of Personnel Services shall advise the complainant of the investigative findings and whether remedial or corrective action was required. If the investigation reveals no wrongdoing on the part of the accused, the Director of Personnel Services shall advise the accused of the investigative findings. If the investigation reveals wrongdoing on the part of the accused, the Department Director or his/her designee shall advise the accused of the investigative findings and impose remedial or corrective action as determined by the Department Director and approved by the Chief Administrative Officer.

E. Step Five: Chief Administrative Officer

If the Director of Personnel Services or a principal staff member is involved in the complaint, the Chief Administrative Officer may assign an independent investigative officer to conduct the investigation.

Upon the completion of the investigation, the investigative officer shall provide a written report to the Chief Administrative Officer. Unless otherwise determined and requested by the Chief Administrative Officer, the report shall include the facts, findings, and recommended remedies or corrective action, if applicable. The Chief Administrative Officer shall determine whether and what remedial or corrective action is required.

III. RIGHTS AND RESPONSIBILITIES

A. Director of Personnel Services

The Director of Personnel Services shall:

1. ensure that this policy and complaint procedure is disseminated to all employees; and
2. coordinate training and provide assistance to department directors, managers, supervisors, and employees in preventing and addressing discrimination and harassment.

B. Department Directors

Department Directors shall:

1. ensure that their respective departments remain free of discrimination, harassment and retaliation;
2. coordinate and cooperate with the Director of Personnel Services in disseminating this policy to all its respective employees;
3. coordinate and cooperate with the Director of Personnel Services in the investigation of complaints involving their respective employees and, when discrimination/harassment has occurred:
 - a. take prompt and appropriate remedial action against the accused;
 - b. take reasonable steps to protect the complainant from further discrimination/harassment;
 - c. take reasonable steps to protect the complainant from retaliation as a result of communicating or participating in the complaint;
 - d. take action to remedy the effects of discrimination/ harassment.

C. Employees

1. Employees shall not violate any provision of this policy.
2. When employees are provided with a copy of this policy, they shall certify in writing that they have received a copy of this policy.
3. Employees shall participate in sexual harassment and cultural diversity training provided by the City.
4. Employees shall cooperate fully with investigations of discrimination, harassment and retaliation.

IV. INDEPENDENT CONTRACTORS

Discrimination, harassment and retaliation, as provided in this policy, not only includes unlawful conduct of employees by employees, it also encompasses harassment of employees by non-employees with whom the City employees come into contact during work, such as employees of contractors, customers, vendors, suppliers and temporary employment agencies. Accordingly, employees are prohibited from engaging in unlawful conduct of non-employees with whom they come into contact, such as employees of contractors, customers, suppliers and temporary employment agencies.

When departments enter into contracts with independent contractors, the Department Director shall ensure that language is provided in the contract requiring those contractors to be responsible for ensuring that effective policies and procedures concerning the prevention of discrimination, harassment and retaliation exist in their companies.

Appropriate action will be taken if the employee of a customer, vendor, supplier, agency, contractor or other entity with whom the City does business engages in unlawful conduct.

V. SEPARATION OF COMPLAINANT AND ACCUSED

While a report of discrimination, harassment and/or retaliation is being investigated, the complainant's supervisor/manager shall make every effort to temporarily separate the complainant and the accused. When feasible and practical, the complainant's wishes should be given preference.

VI. PROMPT INVESTIGATIONS

Complaints shall be investigated promptly. The nature and details of the investigation process will vary depending on the issues. The City's objective is to make a fair determination on what happened so it can then take corrective action, if warranted, as soon as possible. Refusal to investigate, or intentional delay in investigating, is a violation of this policy. In the event that the Director of Personnel Services and/or Chief Administrative Officer determines that an investigation may be unduly delayed by Personnel Services, an independent investigative officer may be assigned to conduct the investigation.

VII. CONFIDENTIALITY

To the extent possible, the City will make a reasonable effort to investigate complaints in a manner that will protect the confidentiality and privacy interests of all parties. Examples of situations where confidentiality cannot be maintained include circumstances when the City is required by law to disclose information and when disclosure is warranted by the City in order to protect the rights of others. Likewise, employees who are parties, witnesses and participants hereunder should maintain the confidential nature of these complaints.

Subject: Policy Statement: Life Threatening Illness	Number: 2-17
	Date Issued/Revised: December 1, 1998
Responsible Department: DAS—Human Resources	Approved:

Purpose

The City of Fresno recognizes that employees with life-threatening illnesses may wish to continue normal life activities, including work. The City also recognizes its responsibility to ensure that an applicant's or an employee's medical condition does not present a health or safety risk to other employees or the public.

The purpose of this policy statement is to ensure that applicants and employees with life-threatening illnesses including, but not limited to, cancer, heart disease, Acquired Immune Deficiency Syndrome (AIDS) and AIDS Related Complex (ARC), are treated in a fair, humane and non-discriminatory manner. This policy is also intended to protect the health and safety of the afflicted employee, co-workers and the public.

Policy

After thoroughly considering the existing medical literature and legal obligations, the City of Fresno has adopted the following policy statements that apply to life-threatening illnesses including, but not limited to, cancer, heart disease, AIDS and ARC:

1. An employee may continue to work in his or her regularly assigned position for as long as the employee is able to meet reasonable performance standards.
2. To the extent that an employee's illness is considered a physical handicap, the City will reasonably accommodate the afflicted employee in a manner that is consistent with the business needs of the City. In such cases, the City reserves the right to require verification by a physician that the employee is able to perform the duties of his/her position and will not be a danger to himself/herself or others.
3. No employee with a life-threatening illness will be denied or restricted in the use of benefits, subject to any regulations or restrictions applicable to all employees regarding these benefits.
4. In the event that an ill employee is no longer able to perform the duties of his/her position, despite reasonable accommodation, the employee will be treated as any other disabled employee.
5. The City will not tolerate harassment of an employee with a life-threatening disease by any co-worker, supervisor, manager, or any other person employed by or under contract with the City of Fresno.

Employee Reactions and the Role of Education

Frequently, a victim of a life-threatening illness must not only suffer the medical consequences of the disease but also the negative reactions of others in the workplace. Such reactions are often brought on by ignorance, misunderstanding and fear. The City of Fresno is particularly aware of the concerns, both warranted and unwarranted, regarding AIDS. AIDS is a life-threatening illness. All medical evidence, however, indicates that AIDS is **not** transmittable through casual contact nor through the normal activities that occur in the workplace. Managers and supervisors should be aware of their own and other employees' fears and misconceptions about specific life-threatening illnesses. These fears must be addressed if disruption and decreased productivity of city operations is to be avoided.

In order to encourage greater understanding and to reduce unnecessary fears of life-threatening illnesses, information and educational opportunities will be made available to all City employees.

Confidentiality

The City recognizes that an individual's medical condition is a personal and private matter. It is City policy that information regarding an employee's health status shall be considered confidential and all reasonable precautions will be taken to protect that confidentiality. This policy applies to all medical information, regardless of whether received orally or in writing.

Subject: Leaves of Absences	Number: 2-19 Date Issued/Revised: January 1, 2000
Responsible Department: DAS—Human Resources	Approved:

Purpose

To establish uniform policies and procedures applicable to leaves of absence.

Procedures

General Provisions

Employees requesting leave shall complete a Leave of Absence Request form 48 hours in advance of the leave, except in an emergency or in the event of illness or injury. The request must be approved by the employee's supervisor before leave is actually taken.

Sick Leave

Sick leave shall be administered in accordance with the provisions of FMC Section 2-1508, Sick Leave and Special Leave, and applicable federal and state statutes. Sick leave shall be accumulated at the rate of one working day for each completed calendar month of employment. Sick leave shall accumulate during the probationary period but may not be used until the employee has completed six months of employment. Department directors may establish their own requirements for verifying sick leave absences for illness or injury; however, the following minimum requirements shall apply to all City employees:

1. A supervisor may require a doctor's verification of illness, which must be signed by a doctor or an R.N. under a doctor's direction, for any period of absence; however, it shall be mandatory for any employee absent for more than seven (7) calendar days due to illness or non-job related injury to present verification of said illness or injury, which must be signed by a doctor or an R.N. under a doctor's direction, upon return to work. (The physician's statement in this section, or any other statement providing the same information may be used.)
2. When a sick leave absence exceeds 15 calendar days, the employee must file with his department no later than three (3) calendar days following the 15-day period, a statement from the employee's physician regarding the estimated length of disability. If the length of absence exceeds the stated estimated period of disability, a new statement must be filed within three (3) calendar days following the expiration of the original estimated date of return.
3. The issue of whether an employee has a right to unfettered use of all accumulated sick leave prior to retirement or termination has caused much controversy before the Retirement Board and City Council. As a matter of clarification, sick leave is a privilege and not a right. When the use of extended sick leave is predicted, the employee's physical condition will be evaluated to determine the nature and duration of disability. When the physical evaluation indicates that the employee suffers from a permanent or

long-term disability that will interfere with the performance of his duties, it will be the responsibility of the department director to initiate action to transfer, return, terminate or modify duties of the employee in accordance with the appropriate section of the Fresno Municipal Code.

4. Employees must use accumulated sick leave before leave without pay for illness will be granted.
5. In the event of a work stoppage in the form of a sick-out identified by the Chief Administrative Officer, it shall be the policy and procedure of all supervisors to require a doctor's verification of all employees who claim to be ill or injured and request such leave. The City shall retain the discretion to allow or disallow paid sick leave and may request the employee to be examined by a doctor of the City's choosing. the doctor's verification shall consist of the following:
 - a. The employee's name;
 - b. The name and address of the doctor;
 - c. A statement by the physician that the employee is under the care of the physician, and that the illness/injury prevents the employee from performing his/her duties;
 - d. Statement of the specific date(s) the doctor recommends the employee stay off work;
 - e. Date(s) employee was seen by doctor; and
 - f. The verification must be signed by the physician. A signature stamp or nurse's signature will not suffice.

Special Leave

Where special leave charged against sick leave accumulation is used during the hospitalization of a member of the immediate family or for the emergency care of a member of the immediate family, as outlined in Section 2-1508(d) of the Fresno Municipal Code, a verification by the attending physician that the member's presence was required shall be presented to the department immediately upon return to work by the employee.

Military Leave

The following sections are quoted from the Military and Veterans Code, Division 2, Part 1, Chapter 7:

Section 395 (in part):

Any public employee who is a member of the reserve corps of the armed forces of the United States or of the National Guard or the Naval Militia shall be entitled to a temporary military leave of absence while engaged in military duty ordered for purposes of active military training, encampment, naval cruises, special exercises or like activity as such member providing that the period of ordered duty does not exceed 180 calendar days including time involved in going to and returning from such duty and provided that military leave of absence is not authorized for periods of inactive military duty.

Section 395.01:

Any public employee who is on temporary military leave of absence and who has been in the service of the public agency from which the leave is taken for a period of not less than one year immediately prior to the day on which the absence begins shall be entitled to receive his salary or compensation as such public employee for the first 30 calendar

days of any such absence. Pay for such purposes shall not exceed 30 days in any one fiscal year. For the purposes of this section, in determining the one year of public service of said public employee in the recognized military service shall be counted as public agency service.

Section 2-1512.1 of the Fresno Municipal Code states that every employee shall be entitled to military leave of absence as provided for in the Military and Veterans Code of California, Division 2, Part 1, Chapter 7.

The following requirements apply to military leave:

1. A completed City of Fresno "Request for Leave of Absence" form shall be submitted to, and signed by, the department director.
2. Formal active duty orders shall be attached to the form. Formal orders are those orders directed to the employee that state type of duty, reporting date, length of duty, duty station, and permanent order numbers, and that bear an authorized signature.
3. A military memorandum addressed "To Whom It May Concern" and signed by or for the commander, will allow an employee to commence military leave. However, formal orders must be submitted within thirty days after such leave is taken. Failure to so submit formal orders shall cause such leave to be converted to vacation leave, or to leave without pay, unless extenuating circumstances cause the formal orders to be unavailable within the 30-day limit, and an explanatory letter signed by or for the commander is submitted to, and approved by, the Chief Administrative Officer.
4. Pursuant to California Military & Veterans Code Section 395.01, the City may adjust an employee's work days so that the employee is not scheduled to work during periods of "inactive duty such as scheduled reserve drill periods."

Vacation Leave

Vacation shall be accumulated and administered in accordance with Section 2-1510 of the Fresno Municipal Code. Vacation leave requests must be signed by the employee and the department director. Employees must use accumulated vacation leave before a leave of absence without pay will be authorized, except that employees on military leave may not be required to take vacation leave in order to attend military duty.

Administrative Leave

For those Management Group employees occupying positions in those classes listed in any current salary resolution or ordinance or attachment thereto, which by reason of indication by an asterisk or other designation, are not entitled to payment of or equivalent compensatory time off for the overtime work, shall be entitled to administrative leave. Such administrative leave shall not exceed 48 hours per year, except where amounts may be approved by the Chief Administrative Officer. Please see Administrative Order 6-13 for details.

Leave of Absence Without Pay

Department directors are authorized to grant leave of absence without pay for periods of ten consecutive working days or less. Leave of absence without pay is otherwise administered in accordance with Section

2-1505 of the Fresno Municipal Code. Employees exempt from overtime shall not be subject to deductions of Leave Without Pay in increments of less than a work day or shift. Employees with medical restrictions may be placed on a part-time basis and will receive the pro-rated salary during the time of restriction.

Other Types of Leaves

All other types of leaves not specifically mentioned above will be administered according to the appropriate section under Article 15 of the Fresno Municipal Code.

Unauthorized Absence as Resignation

In accordance with Fresno Municipal Code Section 2-1512.7, an employee who, without prior authorization, is absent or fails to discharge his regularly assigned duty for three consecutive days, or two shifts in the case of a member of the City fire-fighting force, shall be deemed to have resigned effective as of the end of the day on which he last performed any of the duties of the position. The employee shall not be deemed to have so resigned if he renews the performance of his regularly assigned duties at the commencement of his next regular working day or on-duty shift following the expiration of the aforementioned period of absence or failure to discharge duties. Upon written request of the employee, the appointing authority may reinstate the employee on finding there is good cause for the absence or failure to perform duties, such as bonafide illness, injury, or circumstances beyond the control of the employee, and that the employee is ready and able to resume the discharge of his duties.



PHYSICIAN STATEMENT/VERIFICATION FORM

Employee Signature: _____

Date: _____

Physician Name & Address: _____

I certify that the employee whose signature appears on the face of this request is or has been under my professional care, and on this date _____, was personally examined by me. In my professional opinion, this employee, due to his/her medical disability, is unable to perform his/her usual and customary employment duties and that _____ will be unable to return to work until _____.

Date: _____

Physician Signature
(Signature stamp will not suffice)

Subject: Attendance Policy (Applicable to Local 39 Unit 1, FCEA Unit 3, IBEW Unit 7, FPOA Mgmt Unit 9, FAPOFA Unit 11, CFPEA Unit 13, CFMEA Unit 14, and Unrepresented)	Number: 2-19.1
	Date Issued/Revised: December 1, 2003
Responsible Department: Personnel Services	Approved:

Purpose

To establish a Citywide attendance policy.¹

Policy & Procedures

²This policy is to be construed on a rolling 12-month period following the effective date. A primary requirement for continued employment is regular attendance. While the City recognizes some absences may be unavoidable, City departments and the employees have an obligation to the public that demands regular and prompt attendance.

Although it is recognized that excessive absenteeism is a proper reason for corrective/disciplinary action, up to and including termination of employment, it is the policy of the City to identify problem areas by keeping proper records, exploring avenues of available assistance, and encouraging compliance with attendance standards.

This attendance policy was developed to establish uniform guidelines to further efforts to provide service to the public, and is designed to be a no-fault program. The pervasive problems stemming from inordinate absences are the focus of this policy, not the nature of the absences.

Authorized leaves and statutorily protected leaves (e.g., Family and Medical Leave Act, California Family Rights Act, military leave, jury duty, subpoenas and court appearances, bereavement leave, vacation leave, FMC leave of absences, suspension, union business, etc.) are outside the scope of this attendance policy.

In the event of a serious illness or injury to the employee requiring the employee's absence during a future period of time, or a serious illness or injury to the employee's spouse, dependent minor children, or parents requiring the employee's absence during a future period of time, the applicable City department, the employee and applicable recognized bargaining unit may agree to a plan for the employee's absence(s) over a specified period of time. If such plan is agreed upon, absences under such plan shall not be subject to this policy.

¹CFMEA - Unit 14 PURPOSE Reads: The purpose of this policy is to establish minimum guidelines governing an attendance policy for City employees. City department and division attendance policies that meet and/or exceed these minimum guidelines are considered to be consistent with the purpose of this policy.

²CFMEA - Unit 14 POLICY Begins: This is a Citywide policy; however, consult with applicable Memorandums of Understanding and/or department and division policies and procedures for modifications and/or exemptions to the application of this policy.

DEFINITIONS AND RULES - SECTION I:

1. Excluding the authorized and statutorily protected leaves discussed above, an absence or absenteeism is defined as any failure to show up for or remain at work as scheduled regardless of the reason. Any employee who fails to show up for work, or remain at work as scheduled, will be charged with an incident of absence under this policy.
 - (a) Approved leaves (i.e., scheduled leave time prearranged, approved, and authorized) shall not be considered an incident.
 - (b) A day or days of continuous absence due to illness shall be considered one incident.
 - (c) Employees who are absent for an indefinite period due to illness must keep their supervisor informed as to the status of their absence, including specifying any tentative return date if requested by their supervisor or designee. An employee on extended leave for any reason may be contacted by the applicable City department to schedule a return-to-work evaluation before returning to work.
2. Employees who call in advance to give notice they will be late, and report to work within one (1) hour will be charged with a tardy. However, failure to report to work within one (1) hour after their scheduled start time will result in the issuance of a second tardy. Two (2) tardies in any rolling 12-month period shall be equal to one (1) incident.
3. The City reserves the right to require an employee to report to work for the balance of the day on which tardiness occurs. Failure by the employee to report to or remain at work for the balance of the day as directed by a supervisor may be cause for disciplinary action.
4. Any employee who does not report to work in person or by telephone will be considered absent without leave, and subject to disciplinary action as provided in the applicable provisions of the Fresno Municipal Code, as the same may be amended from time-to-time.

DISCIPLINE LEVELS - SECTION II:

1. Excessive absenteeism by an employee shall subject said employee(s) to disciplinary action. Excessive absenteeism for purposes of this policy shall be defined as four (4) or more occurrences (i.e., incident) of absence within any consecutive 12-month period beginning with the effective date of this policy. The 12-month period referred to in this policy shall mean a "rolling" 12-month period.
2. The disciplinary levels under this policy are noted in the table below.

Incident	Level for FCEA Unit 3, IBEW Unit 7, FPOA Mgmt Unit 9 (Non-exempt), FAPOFA Unit 11, CFPEA Unit 13 (Non-exempt), CFMEA Unit 14 (Non-exempt), Unrepresented (Non-exempt)	Level for Local 39 Unit 1
4th	Verbal Warning	Verbal Warning
5th	Letter of Understanding	Letter of Understanding
6th	Written Reprimand	Written Reprimand
7th	\$100 Fine	2 Working Days Suspension
8th	\$300 Fine & 6 month prohibition on working overtime, if non-exempt, unless overtime is management directed	5 Working Days Suspension
9th	10 Working Days Suspension	10 Working Days Suspension
10th	Termination	Termination

The City reserves the right to deviate from this table of progressive disciplinary levels under mitigating circumstances. An example of a mitigating circumstance is a case where an employee with an otherwise exemplary prior history of good attendance (three [3] to five [5] years) experiences an unexpected problem, which causes inordinate temporary absenteeism, or whenever there is a pattern of abuse of time off.

3. For every 90-calendar-day period, an employee who has perfect attendance shall have his or her number of incidents reduced by one (1). The incident to be removed shall be the oldest in the rolling 12-month review period.

EXEMPT EMPLOYEES (UNREPRESENTED AND REPRESENTED):

The application of this policy to unrepresented and represented exempt employees should be consistent with Federal Fair Labor Standards Act (FLSA) regulations and applied under the direction of the Department Director in consultation with Labor Relations.

Under the FLSA, exempt employees may not be suspended for a period of less than one week. In addition, fines are not a permissible form of discipline for exempt employees. Therefore, suspensions for exempt employees must be done in full weekly increments.

Subject: Attendance Policy (Applicable to ATU Unit 6)	Number: 2-19.2
	Date Issued/Revised: May 20, 2003
Responsible Department: Personnel Services	Approved:

Purpose

To establish a Citywide attendance policy.

Policy and Procedures

This policy is to be construed on a rolling 12-month period following the effective date. A primary requirement for continued employment is regular attendance. While the City recognizes some absences may be unavoidable, City departments and the employees have an obligation to the public that demands regular and prompt attendance. It is the employees' responsibility to maintain their physical and mental well being and to achieve a maximum level of productivity.

Although it is recognized that excessive absenteeism is a proper reason for corrective/disciplinary action, up to and including termination of employment, it is the policy of the City to identify problem areas by keeping proper records, exploring avenues of available assistance, and encouraging compliance with attendance standards.

This attendance policy was developed to establish guidelines to further efforts to provide service to the public, and is designed to be a no-fault program. The pervasive problems stemming from inordinate absences are the focus of this policy, not the nature of the absences.

Authorized leaves and statutorily protected leaves (e.g., Family and Medical Leave Act, California Family Rights Act, Military leave, jury duty and subpoenas and court appearances, bereavement leave, vacation leave, FMC leave of absences, suspension, union business, etc.) are outside the scope of this attendance policy.

In the event of a serious illness or injury to the employee requiring the employee's absence during a future period of time, or a serious illness or injury to the employee's spouse, dependent minor children, or parents requiring the employee's absence during a future period of time, the applicable City department, the employee and applicable recognized bargaining unit may agree to a plan for the employee's absence(s) over a specified period of time. If such plan is agreed upon, absences under such plan shall not be subject to this policy.

DEFINITIONS AND RULES - SECTION I:

1. Excluding the authorized and statutorily protected leaves discussed above, an absence or absenteeism is defined as any failure to show up for or remain at work as scheduled regardless of the reason. Any employee who fails to show up for work, or remain at work as scheduled, will be charged with an incident of absence under this policy.

- (a) Approved leaves (i.e., scheduled leave time prearranged, approved, and authorized) shall not be considered an incident.
 - (b) A day or days of continuous absence shall be considered one incident.
 - (c) Employees who are absent for an indefinite period due to illness must keep dispatch informed as to the status of their absence, including specifying any tentative return date if requested by their supervisor or designee.
2. Any employee who does not report to work in person or by telephone will be considered absent without leave, and subject to disciplinary action as provided in the applicable provisions of the Fresno Municipal Code, as the same may be amended from time to time.

DISCIPLINE LEVELS - SECTION II:

1. Excessive absenteeism by an employee shall subject said employee(s) to disciplinary action. Excessive absenteeism for purposes of this policy shall be defined as four (4) or more occurrences (i.e., incident) of absence within any consecutive 12-month period beginning with the effective date of this policy. The 12-month period referred to in this policy shall mean a “rolling” 12-month period.
2. The disciplinary levels under this policy are noted in the table below.

Incident	Employee Optional Levels		
4th	Verbal Warning		Verbal Warning
5th	Letter of Understanding		Letter of Understanding
6th	Written Reprimand		Written Reprimand
7th	\$100 Fine	OR	2 Working Days Suspension
8th	\$300 Fine	OR	5 Working Days Suspension
9th	10 Working Days Suspension		10 Working Days Suspension
10th	Termination		Termination

The City reserves the right to deviate from this table of progressive disciplinary levels under mitigating circumstances. An example of a mitigating circumstance is a case where an employee with an otherwise exemplary prior history of good attendance [three (3) to five (5) years] experiences an unexpected problem, which causes inordinate temporary absenteeism, or whenever there is a pattern of abuse of time off.

3. For every 90-calendar-day period, an employee who has perfect attendance shall have his or her number of incidents reduced by one (1). The incident to be removed shall be the oldest in the rolling 12-month review period.

Subject: Sick Leave Policy	Number: 2-20
	Date Issued/Revised: January 1, 2000
Responsible Department: DAS—Human Resources	Approved:

Purpose

To establish uniformity in the method of reviewing employees' sick leave usage and the guidelines for imposing a physician's verification requirement.

It is management's responsibility to ensure that sick leave usage and absenteeism do not adversely affect the department's ability to provide service to the public. Excessive absenteeism is costly, time-consuming, and a hindrance to department progress. Sick-leave usage will therefore be monitored, identified, and subject to verification, if necessary.

Policy

This is a Citywide policy; however, consult with applicable Memorandums of Understanding for modifications and/or exemptions to the application of this Administrative Order. Sick leave is a benefit to be used when an employee is absent because he or she is unable to work due to illness or injury. Legitimate uses for sick leave include medical/dental appointments and any time when illness, injury or the use of medication inhibits an employee's ability to perform his or her job tasks. It is the employee's responsibility to come to work healthy and able to work safely.

Employees covered by this policy are allowed to use up to 48 hours of accumulated sick leave per calendar/fiscal year for Family Sick Leave, to care for members of their immediate family (as defined by the Fresno Municipal Code [FMC] and State of California Labor Code, Chapter 164, Section 233). Family Sick Leave may be used to actually care for or arrange for the care of family members who are ill and cannot care for themselves, or to take family members to routine medical or dental appointments.

Family Sick Leave differs from Family Care Leave (Family Medical Leave Act) in that the latter is intended for long-term, serious medical care of the employee or family member, as defined in Administrative Order 2-19.

The City's acceptable limit for sick leave usage is 8 days or 64 hours per fiscal year. For employees who work on a 4/10 schedule, the limit is 8 days or 80 hours per fiscal year. For employees who work 56 hours per week, the limit is 4 shifts or 96 hours per fiscal year. For Permanent Intermittent and Permanent Part-time employees, the limit will be prorated, based on the percentage of full-time equivalent identified for each position in the Position Authorization Resolution.

If patterns of sick leave (e.g., Fridays and Mondays) appear abusive, an immediate review may be warranted. Any sick leave usage that is determined by the supervisor to be disruptive to the routine functions of the department may be grounds for immediate review. In cases of suspected abuse or misuse of sick leave, the supervisor may, at his/her discretion, impose a physician's statement requirement without prior counseling.

It is the responsibility of every employee to maintain his/her physical and mental well-being so that he/she is capable of assuming an equal share of the workload. It is also expected that an employee achieve a maximum level of productivity.

Procedures

1. The division manager, or his designee, will review sick leave usage biannually, in January and July, for any employee exceeding 32 hours usage (40 hours for 4/10 employees; 48 hours for 56-hour employees) in the previous six-month period.
2. Records indicating sick leave usage in excess of the review limit will be examined further.

Leave of Absence requests will be reviewed to determine how many hours of sick leave were hours that, for the purposes of this policy, are to be considered exempt. Sick leave hours used for the following reasons are exempt:

- a. A long-term illness or injury of 40 or more consecutive working hours. Employees will be required to submit a physician's statement verifying the illness or injury. An employee whose absence would otherwise be exempt under this section, who returns to work for up to 4 hours during his or her absence, will not lose the exemption (e.g., the employee is absent from work for 36 hours of a 40 hour work period; or for an employee on a 56-hour workweek, 44 hours of a 48 hour work period).
- b. Pre-approved, scheduled medical or dental appointments of less than four hours. Multiple appointments on the same day, such as those for lab tests and x-rays that take longer than four hours, will be considered exempt. For appointments of more than four hours, employees will be required to submit a statement from the medical offices verifying the appointment(s). This does not preclude the department from requiring verification notes for all medical/dental appointments as provided in FMC Section 2-1508(f).
- c. Sick leave used for Workers' Compensation absences.
- d. Special sick leave used for a death in the immediate family, during the hospitalization of a member of the immediate family, or on the day of the birth of his child, as provided in FMC Section 2-1508(i). In such cases, absences for these purposes may be authorized on special leave only if a physician provides a written statement that the employee's presence at the hospital is required.
- e. An ongoing medical condition of a serious nature, e.g., diabetes or chemotherapy. Employees will be required to submit a letter from the physician indicating the estimated length and frequency of absences.
- f. Surgery and/or hospitalization. Employees will be required to submit a physician's statement.
- g. Up to 48 hours of accumulated sick leave per calendar/fiscal year for Family Sick Leave, to care for members of their immediate family (as defined by the FMC and State of California Labor Code, Chapter 164, Section 233).

3. Employees whose adjusted sick leave hours exceed the limit for the first time will be counseled and advised to reduce sick-leave usage. Supervisory staff would not be required to hold such a counseling session or impose the physician's statement requirement in situations where the employee's hours meet the above exclusions. Records of counseling will be kept by the division manager or his/her designee, and will not be placed in employee personnel files.
4. Employees who are counseled will have their sick leave usage reviewed in three months to determine if their usage has exceeded the limit of 16 hours (20 hours for 4/10 employees; 24 hours for 56-hour employees). If the usage is at or below the limit, no further action is required. If it is above the limit, the division manager will prepare a Letter of Understanding informing the employee of a physician's statement requirement. The employee will be required to provide written verification, from the physician or an R.N. under the physician's direction, for every sick leave absence during a period of three months.
5. Should the employee fail to submit a signed physician's excuse for any absence during this three-month period, that absence will be treated as "Leave Without Pay." Supervisors would take action to ensure that employees are placed on Leave Without Pay for any unverified absences.

If the supervisor fails to take such action, the leave will be deducted from the employee's sick or vacation balance.

6. Should the employee's sick leave usage fall below the 16-hour limit (20 hours for 4/10 employees; 24 hours for 56-hour employees) at the conclusion of the three-month period, the requirement for physician's verification will cease. This does not preclude the division manager from requiring physician's verification if individual circumstances warrant it. Should the employee's sick leave usage remain above the limit, the physician's verification requirement shall be extended in three-month increments.
7. If an employee's usage remains within the limit for a 24-month period following removal from the physician's verification requirement, or initial counseling session, the first step for any future action will be counseling, as provided in "3" above.
8. If an employee's sick leave usage continues to exceed the standard set by the policy, progressive corrective action as defined in Administrative Order 2-14 may be taken, up to and including suspension or dismissal. Before progressive corrective action is taken, an employee's sick leave usage over his or her City career will be considered in determining the appropriateness of discipline.

Subject: Family Leave	Number: 2-21
	Date Issued/Revised: December 1, 1998
Responsible Department: DAS—Human Resources	Approved:

Purpose

"Family Leave" is separately mandated under the Federal Family and Medical Leave Act of 1993 ("Federal Act") and the California Family Rights Act of 1991 ("California Act"). The Federal Act does not preempt the California Act and both Acts must be consulted in order to ensure compliance. The California Department of Fair Employment and Housing and the United States Department of Labor have issued extensive regulations interpreting and implementing the various provisions of the Federal and California Acts. This Administrative Order is intended to provide an overview and summary of the Federal and California Acts. In the case of any conflict with this Administrative Order, the administrative regulations issued by Federal and State authorities shall control. This Administrative Order does not address pregnancy disability leave as provided under Sections 12940 and 12945 of the California Fair Employment and Housing Act.

Procedures

1. **Entitlement to Family Leave:** All employees who have been employed for at least 12 months and have worked at least 1,250 hours in the year preceding the date the employee seeks to start the leave are entitled to utilize Family Leave.
2. **Leave Available:** Eligible employees are entitled to take up to 12 weeks of leave during the 12 months of the City's fiscal year for the following purposes:
 - a. **Child Care:** Leave may be taken because of the birth, adoption, or foster-care placement of a child in order to care for the child.
 - (1) Child care leave must be concluded within 12 months from the date of the birth, adoption or foster-care placement.
 - (2) Parents who are both employees of the City and who are eligible to take leave are entitled to take a combined 12 weeks of Child Care leave.
 - (3) Employees who anticipate taking Child Care leave must provide notice of their intent at least 30 days prior to the date leave is anticipated to begin, or as soon as practicable if leave becomes necessary before such 30-day notice.
 - b. **Family Care:** Leave may be taken to care for a son, daughter, spouse, or parent who has a serious health condition.

- (1) A serious health condition is one that:
 - (a) requires inpatient treatment; or
 - (b) causes an absence from work, school, or normal activities for more than three days and requires treatment by or under the direction or supervision of a health-care provider on two or more occasions.
 - (2) Employees requesting Family Care leave must present a fully completed certification from a health-care provider in a form to be prescribed by Human Resources.
 - (3) Employees taking Family Care leave may take the leave intermittently upon production of a health care provider's certification that the intermittent leave is necessary for or will assist the care of the family member and provides the dates and duration any treatment and leave is expected. Employees using leave on an intermittent basis must make all reasonable attempts to schedule the leave so as to minimize disruption to normal operations. Further, an employee taking intermittent leave may be reassigned to an alternative position, with equivalent pay and benefits, that better accommodates the recurring periods of leave.
 - (4) Employees who anticipate taking Family Care leave under this paragraph are required to provide notice of their intent at least 30 days prior to the date leave is anticipated to begin, or such notice as is practicable if leave becomes necessary before such 30-day notice period.
- c. **Self-Care:** Leave may be taken when the employee is unable to perform the essential functions of the position that the employee holds.
- (1) Employees seeking Self-Care leave must have a serious health condition, as defined under paragraph 2b(1), above.
 - (2) Employees requesting Self-Care must present a fully completed certification from a health care provider in a form to be prescribed by Human Resources.
 - (3) Employees taking Self-Care leave may take the leave intermittently upon production of a health care provider's certification that certifies that the intermittent leave is medically necessary, provides the dates and duration of any treatment and the leave expected. Employees using leave on an intermittent basis must make all reasonable attempts to schedule the leave so as to minimize disruption to normal operations. Further, an employee taking intermittent leave may be reassigned to an alternative position, with equivalent pay and benefits, that better accommodates the recurring periods of leave.
 - (4) Employees who anticipate taking Self-Care leave must provide notice of their intent at least 30 days prior to the date leave is anticipated to begin, or as soon as practicable if leave becomes necessary before such 30-day notice period.

- d. **Failure to Provide Required Certifications:** Failure to provide the certifications required under this paragraph may result in denial of the requested leave.
- 3. **Use of Accrued Paid Leave:** Eligible employees shall be required to use accrued paid leave before unpaid leave is taken under the following circumstances:
 - a. **Child or Family Care:** Employees taking leave upon the birth, adoption, or placement of a foster child under paragraph 2a, above, or for the care of a son, daughter, spouse, or parent under paragraph 2b, above, must use all accrued vacation, holiday, compensatory and administrative leave prior to taking unpaid leave.
 - b. **Self-Care:** Employees who take Self-Care leave under paragraph 2c, above, must use accrued vacation, holiday, compensatory, administrative and sick leave prior to taking unpaid leave.
- 4. **Benefits While on Leave:** During any period of leave under this policy, an employee's group health insurance coverage will be maintained at the same level and under the same conditions as before the leave began.
 - a. **Employee Contributions:** Employees who normally make a contribution toward their health insurance coverage must continue to do so. If on paid leave, the employee's contribution will be collected in the same manner as if the employee were reporting to work. During periods of unpaid leave, the employee must arrange with the Finance Division for payment of the employee's share of the premium prior to commencement of the leave.
 - b. **Liability For City Paid Contributions:** An employee who does not return to duty from unpaid leave under this policy for at least 30 calendar days will be liable for the City's group health insurance premium contribution and any part of the employee's share paid by the City, unless the failure to return to duty is caused by continuation, recurrence, or onset of a serious health condition that would otherwise entitle the employee to leave under this policy or for circumstances beyond the employee's control. Where recovery of premiums is permitted, the City shall be entitled to recover the amount against any final pay or monetary benefit to which the employee would otherwise be entitled.
 - c. **Other Benefits:** Employees will not accrue any other benefits while in an unpaid leave status.
- 5. **Return to Duty:** Upon return to duty, an employee is entitled to be restored to the former position or an equivalent position with equivalent pay and benefits except as noted below:
 - a. An employee who has taken leave for self-care under paragraph 2c, above, will be required to present a certification of fitness for duty from a health-care provider prior to commencement of work. Failure to provide the certification may cause denial of reinstatement.
 - b. Reinstatement may be denied to any salaried employee with an annual salary among the highest paid 10 percent of all City employees if reinstatement causes substantial and grievous economic injury to the operations of the City.

CERTIFICATION OF PHYSICIAN OR PRACTITIONER

The employee named below has requested leave under the provisions of the Federal Family and Medical Leave Act and/or the California Family Rights Act. Your assistance in completing this form is appreciated.

1. Employee's name: _____

2. Patient's name (if other than employee): _____

3. Date condition commenced: _____

4. Probable duration of condition: _____

5. Regimen of treatment to be prescribed. (Indicate number of visits, general nature and duration of treatment, including referral to other providers of health services. Include schedule of visits or treatment if it is medically necessary for the employee to be off work on an intermittent basis or to work less than the employee's normal schedule of hours per day or days per week.):

A. By Physician or Practitioner:

B. By any other health care provider:

IF THIS CERTIFICATION RELATES TO THE CARE OF AN EMPLOYEE WITH A SERIOUS HEALTH CONDITION, COMPLETE ITEMS 6, 7 & 8 AND PROCEED TO COMPLETE ITEMS 13 - 15.

IF THIS CERTIFICATION RELATES TO CARE FOR AN EMPLOYEE'S FAMILY MEMBER WITH A SERIOUS HEALTH CONDITION, SKIP ITEMS 6, 7 & 8 AND PROCEED TO ITEMS 9 THRU 15 ON REVERSE SIDE. OTHERWISE CONTINUE BELOW.

EMPLOYEE'S STATUS

Check YES or NO in the boxes below, as appropriate.

- | | Yes | No | |
|----|--------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6. | <input type="checkbox"/> | <input type="checkbox"/> | Is in-patient hospitalization of the employee required? |
| 7. | <input type="checkbox"/> | <input type="checkbox"/> | Is employee able to perform work of any kind? (If "NO", skip to Items 13 - 15.) |
| 8. | <input type="checkbox"/> | <input type="checkbox"/> | Is employee able to perform the functions of employee's position? (Answer after reviewing statement from employer of essential functions of employee's position, or, if not provided, after |

discussing with employee.)

FAMILY MEMBER STATUS

- Yes No
9. ☐ ☐ Is in-patient hospitalization of the family member (patient) required?
10. ☐ ☐ Does (or will) the patient require assistance for basic medical, hygiene, nutritional needs, safety or transportation?
11. ☐ ☐ After review of the employee's signed statement (see Item 13 below), is the employee's presence necessary or would it be beneficial for the care of the patient? (This may include psychological comfort.)
12. Estimate the period of time care is needed or the employee's presence would be beneficial:
- _____
- _____
13. Signature of Physician or Practitioner: _____
- _____
14. Date: _____
- _____
15. Type or Practice (Field of Specialization if any):

ITEM 16 IS TO BE COMPLETED BY THE EMPLOYEE NEEDING FAMILY LEAVE

16. When Family Leave is needed to care for a seriously ill family member, the employee shall state the care he or she will provide and an estimate of the time period during which this care will be provided, including a schedule if leave is to be taken intermittently or on a reduced leave schedule:

Employee Signature: _____

Date: _____

Note: Employee signature required only when requesting family leave (see item 16).

Subject: Salaries While Absent Due to Work-Related Injury	Number: 2-22
	Date Issued/Revised: December 1, 1998
Responsible Department: DAS—Human Resources	Approved:

Purpose

1. To outline the City's policy in regard to salaries when a permanent City employee is absent due to a work-related injury.
2. To establish a uniform procedure designed to verify that an employee's injury was actually incurred in the course and scope of employment.
3. To promulgate procedures for the administration of workers' compensation benefits, which are established by law, Resolution or Memorandum of Understanding.

Policy and Procedure

1. Upon receiving knowledge that an employee has sustained a work-related injury which requires medical treatment or involves lost time, the employee's department shall submit the following claim forms to the Personnel Department for documentary purposes:
 - a. The original "Employer's Copy" and "Insurer/Administrative Agency Copy" of the completed Employee's Claim for Workers' Compensation Benefits; and
 - b. The original and two copies of the completed Employer's Report of Industrial Injury or Illness.
2. Where the employee's absence can be directly traced to a work-related injury, the employee's department shall place the employee on Injury Pay in accordance with the provisions of Fresno Municipal Code Section 2-1515. (Note: For law enforcement officers and firefighting personnel, claims involving a hernia, pneumonia, tuberculosis, or heart trouble are presumed to be work related.)
3. Where there is doubt as to whether the employee's absence is directly traced to a work-related injury, the employee's department shall place the employee on sick leave, vacation, holiday, administrative, compensating time off (CTO) or leave without pay as appropriate. If the employee's absence is ultimately determined to be industrial, the employee shall receive the specified percentage of wages or salary and the leave hours used will be restored to the employee's account. If repayment is required as a result of this adjustment, it will be deducted from subsequent monies owed the employee in installments equal to the number of pay periods originally involved.

4. Partial days of absence from duty necessitated by the employee's attendance at medical examinations or treatment in connection with a work-related injury shall require verification from the medical provider which specifies the injury and outlines the date and nature of the service provided. Such partial days of absence, including the day of injury, shall be at full pay and shall not be credited to the waiting period; however, this time shall be recorded as injury absence.
5. Absences from duty due to the employee's physical incapacity to perform the required duties of the position shall require physician verification. Such verification shall specify the injury, include the date of medical examination, a diagnosis of the employee's condition, the anticipated dates of disability, and an explanation by the attending physician regarding the relationship to any claimed industrial injury.
6. Subsections (a) and (b) of Section 2-1515 of the Fresno Municipal code specify the regulations applicable to Workers' Compensation salary continuation.
7. Subsection (c) of Section 2-1515 of the Fresno Municipal Code allows for modification of Subsection (a) and (b) if accomplished by Council Resolution or Memorandum of Understanding.
8. Paid leave time may not be used to supplement the amount of salary continuation which is authorized for job-related injuries.
9. Retirement benefits shall not be reduced as a result of compensation at the reduced percent payment rate. Changes in contribution by the City and employee shall be in accordance with applicable retirement code section.
10. Taxes shall not be withheld on compensation at the reduced percent rate, which is not taxable, due to injury in the line of duty.

Subject: Reasonable Accommodation for Disabled Employees	Number: 2-23
	Date Issued/Revised: December 30, 2002
Responsible Department: Personnel Services	Approved:

Policy

It is the policy of the City that a disabled employee who is able to perform the essential functions of his/her position with or without reasonable accommodation be retained in their same job. Disabled employees who are unable to meet this criteria, without causing the City undue hardship, shall be afforded the opportunity of a potential transfer to a vacant position within the City for which they are otherwise qualified.

Procedures

1. Upon receipt of information that verifies an employee has a disability which is permanent or of a long-standing duration, the appointing authority shall have thirty (30) working days to consider reasonable accommodation(s) that will enable the employee to continue to perform the essential functions of his/her position or offer the employee the opportunity to transfer to a vacant position within their department/division for which the employee is otherwise qualified. An appointing authority who is unable to provide reasonable accommodation or transfer shall provide the Director of Personnel Services, or his/her designee, with the specific reasons or circumstances that constitute an undue hardship that preclude the retention of the employee in his/her department.
2. If the employee cannot be retained in his/her current position or transferred to a suitable vacancy within the department, the Director of Personnel Services, or his/her designee, shall, within five (5) working days, provide the employee with written notice requesting the employee complete an employee information sheet, which shall be used to determine the employee's qualifications for possible transfer to a vacant position outside of the employee's department. The disabled employee shall have ten (10) working days to respond to the offer of potential transfer, which shall include the return of the employee's completed information sheet. An employee's failure to respond within the ten (10) working day notice with the completed information sheet shall constitute a rejection by the employee to consider the opportunity to transfer.
3. In the event that the employee expresses interest in exploring a disability transfer outside of his/her own department and returns the completed information sheet, the following procedures shall be initiated:
 - a. The Personnel Services Department representative shall review the disabled employee's qualifications and develop a list of vacancies to begin the interactive process with the employee to identify an alternate position. It shall remain the prerogative of the Director of Personnel Services to determine which vacancies are suitable for ultimate transfer. The employee shall have ten (10) working days to respond to this offer of possible appointment during which time the employee may request the assistance of the Personnel Services Department representative in learning the functions and necessary skills and abilities required of the vacant positions that are offered. The

employee shall also advise the Personnel Services Department of representative of the accommodations that the disabled employee believes are necessary to facilitate the transfer which may be subject to verification.

- b. Upon receipt of information that the employee has expressed an interest in one or more of the offered vacancies, the Personnel Services Department shall have five (5) working days to arrange an interview between the employee and the appointing authority. The purpose of this interview shall be to determine if the disabled employee possesses the skills, abilities, and knowledge necessary to perform the essential functions of the subject vacant position and not to determine if the disabled employee is the "most qualified." An appointing authority who does not select the employee for appointment to the position must, within five (5) working days, provide the Director of Personnel Services, or his/her designee, with the specific reasons or circumstances that precluded appointment. Reasons for rejection must be job-related, consistent with business necessity, and legally defensible. The decision as to whether this condition has been met rests solely with the Director of Personnel Services.
- c. Upon successful completion of the interview, the appointing authority shall communicate to the Personnel Services Department that the employee has been given a conditional offer of employment contingent upon medical clearance. The Personnel Services Department shall communicate with the employee's treating physician, or the appropriate medical authority, who shall determine if the employee can perform the duties of the position. Upon receipt of acceptable medical clearance, the Personnel Services Department shall advise the appointing authority to prepare and submit an Employee Action Form reflecting the transfer and the process concluded. Should the employee's physician, or the appropriate medical authority, fail to support the transfer, the process shall be concluded and the parties notified.
- d. If reasonable accommodation or transfer cannot be provided, or if the disabled employee has failed or declined participation in the process, separation from City service without further delay, in accordance with existing Fresno Municipal Code procedures, is authorized.

Subject: Employee Assistance Program	Number: 2-24
	Date Issued/Revised: December 1, 1998
Responsible Department: DAS—Human Resources	Approved:

Purpose

The City of Fresno recognizes that many employment problems involving unacceptable work behavior may be caused by health problems, problem drinking, drug use, or emotional problems. It is further recognized that virtually any behavioral or health problem can be successfully treated or assisted providing it is identified and referral is made to an appropriate source of care or help. The purpose, therefore, of this program is to implement a workable Employee Assistance and Occupational Alcoholism Program that will:

1. Help supervisors to identify unacceptable work behavior at the earliest possible time; and
2. Refer the individual to a source of counseling assistance or treatment.

Policy

The following policies will govern the program:

1. While the focus of this program is on alcoholism, unacceptable work performance or behavior due to both problem drinking or personal problems will be identified and referred for counseling and assistance.
2. The Assistance Program is neither pro-management nor pro-labor; it is a pro-people program.
3. The City views alcoholism as a treatable disease.
4. The use of alcohol by a City employee is a concern to the City as an employer when it results either directly or indirectly in job-related problems. A job problem exists when an employee's personal problems or use of alcohol:
 - a. Interferes with the efficient and safe performance of the assigned duties.
 - b. Reduces his or her dependability.
 - c. Reflects discredit upon the City.
5. No entry will be made in an employee's personnel file regarding his/her identification and referral for assistance or treatment. (This confidentiality extends only to the identification of personal problems and referral to assistance; the substandard performance can and should be totally documented and made a part of the employee's file.)

6. The City, through appropriate agencies, will offer rehabilitation assistance to any employee who suffers from alcoholism or problem drinking, but the responsibility for acceptance and following up with treatment is the responsibility of the employee.
7. Sick leave may be used for limited period of treatment in a detoxification unit or a rehabilitation center, providing satisfactory progress is maintained. (Limited period of treatment is defined as the period of time normally required for the modality of treatment being used.)

Procedures

The Occupational Alcoholism Program processes the employee through four basic steps, which occur in the following order:

1. **Identification of the Employee.**

The supervisor must document instances where an employee's job performance or work behavior has fallen below acceptable standards and the cause cannot be attributed to lack of training or knowledge. **It must be emphasized that the only criterion for the identification of an alcoholic employee is deteriorating work performance.**

2. **Confrontation with the Employee.**

Once the employee's substandard work performance has been documented and appropriate counseling fails to bring the work performance up to acceptable standards, the employee should be confronted with the documented evidence of poor performance. Since usual corrective procedures have failed to bring the employee's work up to an acceptable standard, the assumption can be made that a personal problem is the cause. The employee should be given the option of facing further disciplinary action or meeting with the Employee Assistance Coordinator, who will help him obtain professional counseling. The supervisor can make an appointment for the individual by calling the Employee Assistance Coordinator. **The supervisor should not make any attempt to diagnose an employee's problem as stemming from alcohol, drug abuse, or other problems--this is the task of a trained counselor.** (In those cases where the counseling associated with previous corrective action has brought a drinking or personal problem to the point of open discussion, this may be included in the information provided to the Employee Assistance Officer.)

3. **Referral of the employee to a Counselor.**

The supervisor can refer the employee directly to the counselor or, if he chooses, to the Employee Assistance Coordinator (EAC). The EAC will meet with the employee for the purpose of getting the employee to accept counseling from an appropriate source. If the employee refuses to accept additional counseling or referral to a source of assistance, the coordinator will refer the employee back to the supervisor for appropriate corrective action. In the event referral to assistance is rejected, this fact should be recorded for use should the corrective action be appealed or grieved.

On occasion, more than one session with the Employee Assistance Coordinator or the counselor will be necessary. The employee will be released to attend these sessions.

4. **Follow-up Procedure.**

The initial counseling will be done by a professional counselor from the Alcoholism Council of Fresno County. The counselor will direct the employee to an appropriate source of assistance, if the problem is not alcoholism. If the problem is alcohol, the counselor will direct the employee into the appropriate treatment modality and monitor his/her progress.

The counselor will keep the coordinator and supervisor informed of the employee's progress. The supervisor, in turn, will keep the counselor or coordinator informed of the employee's job performance improvement or continued deterioration.

In the event that the rehabilitation effort is unsuccessful after a reasonable period of time, the supervisor should proceed with disciplinary action or other alternatives that may be appropriate.

Record Keeping

No entry regarding counseling or referral will be made in the employee's personal records.

Subject: Policy on Drug and Substance Use	Number: 2-25 Date Issued/Revised: September 1, 2000
Responsible Department: DAS—Human Resources	Approved:

Purpose

To all employees except Fire Non-management Unit.

Policy

The City of Fresno is committed to protecting the health and safety of individual City employees, their co-workers, and the public from the hazards caused by the misuse of drugs and alcohol by its employees.

Application

1. This policy applies to all employees noted above and to all applicants for positions with the City of Fresno. This policy applies to alcohol and to all substances, drugs or medications, legal or illegal, which could impair an employee's ability to perform the functions of the job effectively and safely.
2. This policy is not intended to apply to emergency services employees who may be exposed to alcohol or other controlled substances during the course of their assigned duties.

Policy Rules

1. An employee shall not work under the influence of any drug or medication that impairs his/her ability to safety and efficiently perform the required duties of the position.
2. An employee shall not purchase, possess, use, sell or furnish alcoholic beverages during the course or performance of his/her assigned duties. (Exception: Employees may participate in City sponsored functions or promotional activities where alcohol may be served.) Under no circumstance shall an employee report to the work site under the influence of an alcoholic beverage.
3. An employee shall not purchase, possess, use, sell, furnish, or be under the influence of any illegal drug or controlled substance during the course or performance of his/her assigned duties.
4. An employee shall not purchase, possess, use, be under the influence of, sell, or furnish any prescription drug during assigned work hours, or while on duty or while using City equipment unless:
 - a. The prescription was issued by authorized medical personnel and the employee follows the prescription instructions.

- b. The employee shall have consulted with the prescribing physician as to the possible effects of the drug and shall have informed his or her supervisor if such use of the drug may affect the employee's ability to perform his or her duties safely.
- 5. An employee who reports to the job site and advises his/her supervisor of limitations or restrictions resulting from a prescription or over-the-counter drug may be assigned less than the full range of duties at the sole discretion of the supervisor. Employees will not be subject to disciplinary action through compliance with this procedure.
- 6. An off-duty employee shall not utilize City employment to facilitate the sale, purchase, or distribution of any illegal drug or controlled substance.
- 7. Upon a showing of just cause, a representative(s) of the City may, in the presence of the employee or the employee's representative, or after the employee has been given the opportunity to designate a representative, search all areas and property over which the City maintains joint or full control with the employee. For this reason, employees are discouraged from bringing personal items to work unless such items are necessary to their employment with the City.
- 8. An employee shall, within five (5) days, report to the appointing authority any criminal conviction for drug-related activity in the workplace.
- 9. Department directors may promulgate additional rules in accord with this policy and appropriate to the work requirements and responsibilities of their employees. Such additional rules shall be subject to Government Code Section 3500 et seq. and other applicable laws, rules and regulations.

Terms/Definitions

- 1. Dosage: The appropriate amount of medication recommended by a physician for an over-the-counter or prescription drug.
- 2. Drug: An illegal drug, an over-the-counter drug, or a prescription drug.
- 3. Furnish or Furnished: Does not include furnishing which occurs in the course of legitimate law enforcement activities.
- 4. Industrial or Vehicle Accident
 - a. "Industrial Injury" is an injury that arises out of and during the course of an individual's employment.

- b. "VehicleAccident" is an occurrence associated with the operation of equipment or a motor vehicle that is owned by, or leased to, the City, including an employee' s personal vehicle used for City business.
- 5. Illegal Drug: A controlled substance, as defined by state or federal law, that has not been obtained in accordance with the regulations promulgated to administer its distribution, or a drug that has not been assigned an FDA number.
- 6. Over-the-Counter Drug: A drug lawfully available for retail purchase without a prescription.
- 7. Possess or Possessed: Does not include possession that occurs in the course of legitimate law enforcement activities.
- 8. Prescription Drug: A drug lawfully available for retail purchase only with a prescription.
- 9. Purchase or Purchased: Does not include a purchase that occurs in the course of legitimate law enforcement activities.
- 10. Reasonable Cause: Reasonable cause shall exist when two supervisors, one of whom shall be from the employee' s work unit/division and who is trained in the detection of drug use, articulate and can substantiate in writing specific behavioral, performance or contemporaneous physical indicators of being under the influence of drugs or alcohol on the job. The objective indicators shall be recognized and accepted symptoms of intoxication or impairment caused by drugs or alcohol. Cause is not reasonable and thus not a basis for testing, if it is based solely on the observations and reports of third parties. The grounds for reasonable cause must be documented by the use of an Incident Report Form (*See Appendix II).
- 11. Using City Equipment: Operating, or assisting in operating, equipment or a motor vehicle that is owned by or leased to the City, including an employee' s personal vehicle used for City business.

Prior Notice of Testing Policy

The City shall provide a copy of its Drug Policy to all employees along with a notice that will contain the following information:

- a. The need for drug and alcohol testing;
- b. The circumstances under which testing may be required;
- c. The procedure for confirming an initial positive drug test result;
- d. The consequences of a confirmed positive test result;
- e. The consequences of refusing to undergo a drug and alcohol test;
- f. The right to explain a positive test result and the appeal procedures available; and
- g. The availability of drug abuse counseling and referral services.

Identification and Consent Procedures

1. An employee may be required to submit promptly to drug/alcohol testing by a City selected physician or laboratory if:
 - a. The employee sustains an industrial injury and there exists reasonable cause that the employee is impaired or under the influence of drugs or alcohol.
 - b. The employee, while using City equipment, is involved in an accident wherein the employee's individual action, or lack thereof, provides reasonable cause that the employee is impaired or under the influence of drugs or alcohol.
 - c. The management or supervisory employee has reasonable cause that the employee is impaired or under the influence of drugs or alcohol in violation of this policy. (See Appendix I for guidelines.)
2. If two trained supervisors believe that there is reasonable cause for a drug/alcohol test, the following procedures shall be used:
 - a. The employee shall be immediately informed of the supervisor's suspicions and advised that he/she may have a representative present. This notification procedure shall be documented on the Incident Report Form (Appendix II). The delay in securing such representation shall not exceed one hour from the time the employee was ordered to submit to the drug/alcohol test. The employee shall be permitted a period of time not to exceed 15 minutes in which to confer with the representative upon arrival.
 - b. A supervisor shall document the specific objective factors constituting reasonable cause for the drug/alcohol test on the Incident Report Form.
 - c. The employee will be offered an opportunity to give an explanation of his/her condition, such as reaction to a prescribed drug, fatigue, etc.
 - d. Both supervisors shall sign and date the Incident Report Form.
 - e. The employee shall be provided with a copy of the Incident Report Form upon its proper completion.
3. Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the clinic or laboratory to obtain a blood and/or urine specimen and to release the results of the testing to the Human Resources Services Division and to the appropriate department director. The consent form shall provide space for employees and applicants to indicate current or recent use of prescription or over-the-counter medication.
4. Unless there is an objective reason to believe that the employee has altered a sample or unless modified by agreement of the parties, individuals shall be allowed to provide the required specimen in the privacy of a stall or otherwise partitioned area.
5. A job applicant who refuses to consent to a drug and alcohol test will be denied employment with the City and will be removed from the appropriate eligible list.

6. An employee who refuses to consent to a drug and alcohol test when reasonable cause of drug or alcohol use in violation of this policy has been identified, is subject to disciplinary action up to and including termination. The reason for the refusal shall be considered in determining the appropriate disciplinary action.

Drug Testing Procedures

1. All testing will be performed by a laboratory licensed by the California Department of Health Services, Laboratory Field Services.
2. Upon being ordered to undergo drug/alcohol testing, the employee shall be given the option of providing a urine or a blood specimen for analysis.
3. The collection site shall obtain two samples of blood or urine from the employee. One sample shall be forwarded to the designated laboratory for analysis and one sample shall remain at the collection site. Should the laboratory sample test positive, the second sample shall be forwarded from the collection site for analysis. Failure to verify a positive finding on both samples shall result in an unconfirmed test and the results shall be reported as negative.
4. The initial test of a urine specimen shall utilize an immunoassay technique.

The following chart shall be used when screening specimens to determine whether they are negative for the substances listed:

SUBSTANCE	SCREENING LEVEL	CONFIRMATION
Amphetamines	1000 ng/ml	
Amphetamine		500 ng/ml
Methamphetamine		500 ng/ml
Cocaine	300 ng/ml	150 ng/ml
Opiate Metabolites	2000 ng/ml	
Morphine		2000 ng/ml
Codeine		2000 ng/ml
6-Acetylmorphine		10 ng/ml
Phencyclidine	25 ng/ml	25 ng/ml
Marijuana	50 ng/ml	15 ng/ml
Ethyl Alcohol	0.02 gm/dl	0.02 gm/dl

5. All specimens identified as positive on the initial test shall be confirmed utilizing the gas chromatography/mass spectrometry (GC/MS) technique. All information shall be by quantitative analysis.
6. Blood samples will be quantitatively analyzed to determine the presence of the following substances:

SUBSTANCE	TEST LEVEL
Amphetamines	
Amphetamines	1000 ng/ml

Methamphetamines	300 ng/ml
Cocaine	300 ng/ml
Opiates	
Codeine	300 ng/ml
Morphine	2000 ng/ml
Phencyclidene	25 ng/ml
Marijuana	50 ng/ml
Ethyl Alcohol	.08%

Note:

- a. The above substances and test levels are subject to change as advances in technology or other conditions warrant identification of the substance at other concentrations.
 - b. The City shall provide notice to all bargaining units of any change, modification, deletion, or addition to the above list of substances.
7. If the testing procedures confirm a positive result, the employee or applicant shall be notified of the results in writing by the Director of Administrative Services.
 8. An employee or job applicant whose confirmation test results are positive shall be allowed to have a portion of the sample assayed by a confirmation test performed independently by a laboratory of the employee' s or applicant' s choice at the employee' s or applicant' s expense, provided that the laboratory chosen by the employee or applicant must be licensed by the California Department of Health Services, Laboratory Field Services.
 9. All specimens confirmed positive shall be retained and placed in properly secured long-term frozen storage for a minimum of one year, and be made available for retest as part of any administrative proceedings.
 10. All information from an employee' s or applicant' s drug and alcohol test is confidential for purposes other than determining whether the City policy has been violated. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant. The results of a positive drug test shall not be released until the results are confirmed. The record of unconfirmed positive test results shall be destroyed by the testing laboratory.

Consequences for Violating the Rules and Provisions of This Policy

1. Applicants: Job applicants will be denied employment with the City if their initial positive test results have been confirmed. Applicants shall be informed in writing if they are rejected on the basis of a confirmed positive drug test result.
2. Employees: If an employee' s positive test result has been confirmed, the employee is subject to disciplinary action up to and including termination. Among factors to be considered in determining the appropriate disciplinary response include the nature and requirements of the work, length of employment, current job performance, and the history of past disciplinary actions.

3. Employees reasonably believed to be under the influence of alcohol or drugs shall be prohibited from engaging in further work and shall not be allowed to operate or utilize any City equipment. Employees found in violation of a direct order used by a supervisor in implementing this policy are subject to disciplinary action up to and including termination.
4. If the results of the testing are negative, then the employee shall be made whole for all lost time, not including unscheduled overtime.

Employee Training

The City of Fresno will establish a Drug Free Awareness program which will inform employees about: (1) the dangers of alcohol and drug abuse in the workplace; (2) the City's policy on drug and alcohol abuse; (3) the availability of treatment and counseling for employees who voluntarily seek such assistance; and (4) the sanctions the City will impose for violations of its Drug and Substance Use Policy.

Supervisory Training

The City shall develop a program of training to assist supervisory personnel in identifying drug and alcohol use among employees. Such training shall assist supervisors in identifying factors that constitute reasonable cause for drug testing and shall include a detailed explanation of the City's Drug and Substance Use Policy.

Employee Assistance Program

An employee who engages in drug/alcohol abuse is encouraged to participate in the Employee Assistance Program; however, such participation shall not relieve an employee of the obligation to follow the policy rules regarding drug/alcohol use. An Employee Assistance Program counselor shall not disclose information on drug/alcohol abuse received from an employee, except for the compilation of anonymous statistical reports.

**CONSEQUENCES FOR VIOLATING THE RULES
AND PROVISIONS OF THIS POLICY**

1. If you are ordered to provide a urine or blood specimen for drug testing purposes, you may refuse. Such refusal shall constitute insubordination and shall subject you to disciplinary action up to and including termination from City employment.
2. If you take the drug test and have a confirmed positive test result, you are subject to disciplinary action up to and including termination.
3. If you have a confirmed positive test result, you may have the test repeated in an approved laboratory of your own selection using the original specimen. (These procedures are outlined in Administrative Order 2-6.)
4. If the results of your initial drug test, as ordered by the City, are negative, you shall be credited for all lost time.
5. If you are reasonably believed to be under the influence of alcohol or drugs, you shall not be allowed to continue working in any City capacity. Law enforcement authorities will be alerted should you drive a vehicle while impaired by alcohol or drugs.

MANAGEMENT GUIDELINE FOR DRUG/ALCOHOL ABUSE TESTING

Managers and supervisors may request that an employee submit to a drug and/or alcohol analysis when there are factors constituting reasonable cause that indicates an employee is intoxicated or under the influence of drugs or alcohol.

Any of the following objective factors may constitute reasonable cause:

1. Incoherent or slurred speech, disorientation or inattention.
2. Odor of alcohol on breath.
3. Staggering gait, disorientation or balance problem.
4. Red, watery eyes with dilated or constricted pupils.
5. Dry mouth with frequent swallowing or lip wetting.
6. Hand tremors.
7. High energy, agitated, talkative, paranoid or bizarre behavior.
8. Drowsiness or detachment from physical and/or emotional pain.

Any manager or supervisor requiring an employee to submit to a drug and/or alcohol analysis should document, in writing, the facts constituting reasonable cause that the employee in question is intoxicated or under the influence of drugs.

INCIDENT REPORT FORM

Employee Involved: _____ Date of Incident: _____
_____ Time of Incident: _____

Employee' s Job Position/Assignment: _____

Has employee been notified of his/her right to union representation? _____

Time: _____ Employee Initials: _____

Witnesses to Incident: _____

What Was Observed: _____

What is Employee' s Explanation: _____

Action Recommended: _____

Action Taken: _____

1. Signature: _____ 2. Signature: _____

Title: _____ Title: _____

Date, Time, Action Taken: _____

Subject: Light-Duty Assignments for Individuals Temporarily Disabled Due to Work-Related Injuries	Number: 2-26
	Date Issued/Revised: December 1, 1998
Responsible Department: DAS—Human Resources	Approved:

Purpose

To establish a uniform policy and procedure for the administration of a Citywide light duty/return-to-work program for employees who are temporarily disabled from performing the duties of their regularly assigned positions due to a work-related injury or illness. This program is intended to provide temporary reassignment of an injured employee only until such time as: (a) the employee is medically released to perform the full range of duties of his/her regular position; (b) the light-duty assignment is discontinued at the request of the attending physician; (c) the employee is medically determined to be permanently disabled and consideration is given to job modification, transfer, termination, or retirement; or (d) the light-duty assignment is discontinued at the option of the providing department/division.

NOTE: This policy is not applicable to employees who are temporarily disabled as a result of non work-related accidents. It is the practice of the City to require these individuals to use sick leave or other approved leave unless Chief Administrative Officer approval is obtained to return the employee to a meaningful job assignment.

Policy

When feasible it is the objective of the City to locate and assign light duty to employees who are temporarily disabled from performing their regular jobs as a result of a work-related injury. All such light-duty work assignments shall be made consistent with the limitations and restrictions described by a physician. The following policy shall apply:

1. Physicians shall be encouraged, within acceptable medical standards, to release temporarily disabled employees to light-duty work status and describe the employee's limitations in sufficient detail to enable the City to determine suitable work or a task assignment using the Medical Status Report Form (see attached).
2. The employee's regular work division shall attempt to locate or design a work assignment within the limitations described by the physician.
3. If the employee's usual work division is unable to assign suitable light work, other divisions within the same department may be contacted in order to determine if a suitable light work assignment exists.
4. If no suitable light-duty assignment is available within the employee's department, the Human Resources Services Division shall be notified. The Human Resources Services Division will

attempt, when feasible, to coordinate and effect a temporary reassignment of the employee on an interdepartmental basis. The department to which the employee is regularly assigned shall continue to provide the employee's regular salary from the budgeted salary account when a light-duty assignment is made.

5. An employee on light duty shall be returned to full-duty status upon receipt of a medical report that removes the employee's restrictions.

Procedure

<u>Responsibility</u>	<u>Action</u>
1. Department/Division	1. Provide injured employee with Medical Status Report Form for treating doctor to complete. Emphasize to employee that the form is to be completed and returned after the appointment is completed.
2. Employee	2. Return completed form to supervisor.
3. Department/Division	3. Assign employee a light-duty job that meets medical criteria.
	4. Notify Human Resources if no light-duty position exists within division/department.
4. Human Resources	5. Assign employee to available position in a different department consistent with medical limitations.
	6. Notify employee of area of reassignment, hours of work, and any other pertinent details, such as location, parking, special assignment, etc.
	7. Notify employee's supervisor of temporary reassignment action.
	8. Follow-up with employee's physician regarding medical status.
5. Department Providing Light Duty	9. Notify the employee's regular department of actual hours worked.
6. Human Resources	10. Notify employee's regular department and, if applicable, the department providing light duty, when the employee is medically released to full, unrestricted duty.

IMPORTANT! PLEASE READ CAREFULLY

MEMORANDUM

DATE:

TO: INJURED EMPLOYEE

FROM: DEPARTMENT/DIVISION

SUBJECT: MEDICAL STATUS REPORT FORM

The attached Medical Status Report Form must be completed by the doctor who provided treatment for your injury.

Immediately return the completed Medical Status Report Form to your supervisor or department representative at the conclusion of your appointment. Failure to return the attached form to your supervisor in a timely manner may be cause for disciplinary action.

If you have any questions, you should contact your supervisor or the Workers' Compensation Section of the Department of Administrative Services at 498-1417.

Attachment

MEDICAL STATUS REPORT FORM

Dear Doctor:

Please complete this form upon the conclusion of your examination and instruct the employee to immediately return it to his/her supervisor.

PATIENT'S NAME: _____ DATE: _____

DIAGNOSIS: _____ PROGNOSIS: Good Fair Poor

If employee's disability is temporary, please make a check mark in each of the appropriate categories which apply to the patient's current medical capacity. You may add additional remarks in the space provided below.

	0	1	2	FULL RELEASE 3
EXERTION	No significant energy expenditure	Slow rate of body motions (i.e., small work loads at slow rates of speed with frequent rest periods.)	Moderate rate of body motions such as walking or climbing a ladder	Relatively fast rates of body motion such as running
WALKING	No Walking	Walking up to 10 min/hr. or 15% of workday, may stand or sit interchangeably for comfort	Walking up to 30 min/hr. or 50% of workday	No restriction
STANDING	No standing	Standing up to 10 min/hr. or 15% of workday (e.g., admin clerk)	Standing up to 30 min/hr. or 50% of workday	No restriction
SQUATTING	No squatting	Squatting momentarily up to 5 times/hr.	Squatting 1 min. or less, up to 10 times/hr.	Squatting for more than 1 min per squat, and more than 10 times/hr
BENDING	No bending	Bending up to 5 times per hour	Bending up to 20 times per hour	Bending more than 20 times per hour
SITTING	No Sitting	Sitting up to 10 min/hr. or 15% of workday	Sitting up to 30 min/hr. or 50% of workday	No restriction
TURNING/TWISTING	May not perform movement	May occasionally perform movement to tolerance	May frequently perform movement	No restriction
CLIMBING	May not perform movement	May occasionally perform movement to tolerance	May frequently perform movement	No restriction
PUSH/PULLING	May not perform movement	May occasionally perform movement to tolerance	May frequently perform movement	No restriction
LIFTING	Up to 10 pounds	11-25 pounds	26-40 pounds	Over 40 pounds

COMMENTS: _____

DATE ABLE TO RETURN TO FULL OR MODIFIED (circle one) DUTY: _____

If employee's condition permanently precludes return to work in former job, please outline restrictions: _____

DATE OF NEXT APPOINTMENT: _____ PHYSICIAN'S SIGNATURE: _____

DATE: _____

Subject: Preventing Workplace Violence	Number: 2-27
	Date Issued/Revised: July 9, 1999
Responsible Department: DAS–Risk Management	Approved:

Policy

The City of Fresno committed to providing a safe work environment that is free of violence and the threat of violence. The City's first priority is to ensure the effective handling of critical workplace incidents involving actual or potential violence. Violence, or the threat of violence, involving any employee of the City of Fresno or any other person in the workplace is unacceptable.

Definitions and Procedures

1. Should an employee, during working hours, demonstrate or threaten violent behavior, he or she may be subject to disciplinary action up to and including termination and possible criminal prosecution.
2. The following actions are considered examples of violent acts:
 - a. Striking, punching, slapping or physically contacting another person in a hostile manner.
 - b. Fighting or challenging another person to fight.
 - c. Grabbing, pinching, or touching another person in an unwelcomed manner.
 - d. Physically or verbally threatening harm to another person, or any action or conduct that implies the threat of bodily harm.
 - e. Exhibiting dangerous, threatening or unwanted behavior.
 - f. Possession, use, or threat of use, of any weapon or object that could be used as a weapon on City property, unless such possession or use is a requirement of the job.
 - g. Stalking another person (as defined in either California Civil Code Section 1708.7 or California Penal Code Section 646.9).
3. Any employee who is the victim of any violent, threatening, or harassing conduct, or is a witness to such conduct, whether the perpetrator is a City of Fresno employee or a non-employee, shall immediately:
 - a. Retreat and reasonably assist others in moving to a safe location.

- b. Notify the Police Department or security personnel if there is imminent danger.
 - c. Report the incident to their supervisor or manager after the immediate danger or risk of harm has passed. If the supervisor or manager cannot be contacted, Risk Management or Human Resources should be notified.
- 4. City employees who are not required nor specifically trained and equipped shall not attempt to confront a potentially violent person.
 - 5. No one, acting in good faith, who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.
 - 6. Any employee who makes a report under this policy, which the employee knows or should know is false, shall be subject to disciplinary action.
 - 7. Any report of violent behavior by a City employee will be thoroughly investigated. Any disciplinary action will be in accordance with Administrative Order 2-14 and applicable sections of the Municipal Code.
 - 8. In those incidents where there is a possible violation of the law, the incident will be reported to the Police Department for criminal investigation.

Subject: Part-time, Hourly and Temporary Employees	Number: 2-28 Date Issued/Revised: September 1, 2000
Responsible Department: DAS—Human Resources	Approved:

Purpose

To provide hiring guidelines and procedures for the acquisition of either part-time, hourly or temporary employees and to establish a clear and consistent policy with regard to the utilization of either part-time, hourly or temporary employees by the various departments and divisions of the City of Fresno.

Policy

1. **Part-time, Hourly Employees:** Part-time, hourly employees are unclassified employees, as defined in Article X, Section 1000 (a) (4) of the Charter.
 - a. Part-time, hourly employees are paid on an hourly or per diem basis, work, part-time schedules only, in positions not allocated as either permanent, permanent part-time, or permanent intermittent in the Position Authorization Resolution.
 - b. Part-time, hourly employees may work varying hours or shifts which may depend upon the availability of the employee. Positions filled in this fashion often have high turnover rates due to the transitory nature of most incumbents.
 - c. The maximum time that a part-time, hourly employee may work is 32 hours per week.
2. **Temporary Employees:** Employees filling temporary positions are also in the Unclassified Service, as defined in Article X, Section 1000 (a) (2) of the Charter.
 - a. Employees in temporary positions may be paid on an hourly or per diem basis or on a salary basis, in positions not allocated as either permanent, permanent part-time, or permanent intermittent in the Position Authorization Resolution.
 - b. A temporary position is appropriate for a project with a defined start and finish date or during the completion of an examination process to fill a permanently allocated position. The position shall cease to exist at the completion of the project, following a selection from an appropriate eligible list, or upon the completion of the maximum number of hours worked, as defined in the Charter, whichever comes first.
 - c. When hiring either a part-time, hourly employee or when filling a temporary position, the new-hire must comply with all City employment processes.

Procedures

1. Part-time, Hourly or Temporary Employees

- a. The appointing authority must verify that the position to be filled complies with the intent of either Section 1000 (a) (2) or Section 1000 (a) (4) of Article X of the Charter.
- b. Departmental requests for part-time, hourly or temporary employment must be submitted and approved prior to the employee beginning work.
- c. Applications for part-time, hourly or temporary employment, EAFs, and DOJ clearance must be completed, received, and approved **before the employee begins work.**